



Indiana Supreme Court Annual Report

July 1, 2001 - June 30, 2002



INDIANA STATE SUPREME COURT JUSTICES

Back Row (Left to Right): Justice Frank Sullivan, Jr., Chief Justice Randall T. Shepard, Justice Brent E. Dickson

Front Row (Left to Right): Justice Robert D. Rucker, Justice Theodore R. Boehm



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I. INTRODUCTION

This Annual Report provides information about the work of the Supreme Court of Indiana. Included with the statistical data is an overview of the significant events of fiscal year 2001-2002 (July 1, 2001 through June 30, 2002) and a description of the activities of the Court and its affiliated agencies. Section II, Significant Events of Fiscal Year 2001-2002, includes brief highlights from the past fiscal year. Additional details on many of the items found in Section II can be found in the sections that follow. For more information about the court, its history, and its various agencies and programs, visit our web site, www.in.gov/judiciary. ■

II. SIGNIFICANT EVENTS OF FISCAL YEAR

2001-2002

Constitutional Change Gives Supreme Court Greater Docket Control

After Indiana's citizens approved a change in the state Constitution that gave the Supreme Court greater control over its caseload, the five Justices of the Court focused on using this new authority to enhance their work product and related court activities.

The constitutional change approved in the fall of 2000 removed the requirement that every case with a sentence of greater than fifty years be appealed directly from the trial court to the Supreme Court. Those mandatory direct criminal appeals had been consuming a greater and greater share of the Court's docket, which limited its ability to focus on other areas of the law and other duties.

However, the voters' approval of the amendment has enabled the Court to concentrate its energies on only the most significant civil and criminal cases. The result has been even more thoughtful consideration of appellate matters and the other tasks the Court handles on a daily basis. For the long term, the freedom to identify the important legal issues that are most vital to the citizens of Indiana will increase the level of service provided by the Court.

State of the Judiciary

Indiana's Constitution requires the Chief Justice to deliver regular reports on the state of the judiciary to the Indiana General Assembly. In the remarks he delivered in early 2002 to a joint session of the Indiana House and Senate, Chief Justice Randall T. Shepard reported on innovations in the way criminal justice is dispensed in Indiana and the many ways the Court is trying to help families and children negotiate the court system. His address, "The Changing Nature of Courts" was videotaped and posted on the Internet.

Judicial Technology and Automation Committee

With the support of the General Assembly and the O'Bannon Administration, the Indiana Supreme Court has launched a project that will have far-reaching positive

consequences for Indiana government and Indiana citizens. Under the auspices of the Court's Judicial Technology and Automation Committee (JTAC), the Court seeks to equip every Indiana trial court with a 21st century "case management system" and to connect individual courts case management systems with each other and with users of court information such as state agencies, law enforcement, and the public.

The Supreme Court and JTAC made significant progress during 2002 in achieving these goals by (1) securing financial resources to support the project primarily from court-filing fees approved by the Legislature, (2) selecting Computer Associates International, Inc., in a competitive procurement process to design and implement the new system, and (3) establishing a partnership with the state's largest county under which Marion County will serve as a pilot test site for the new system.

Access to Justice

The Court has continued its efforts to make sure the courthouse doors are open for all. In a unique partnership with the Indiana Bar Foundation and the Indiana State Bar Association, the Court has fostered the growth of the Indiana Pro Bono Commission and 14 local pro bono organizing committees. The 21-member Commission reviews pro bono plans developed by the local committees, each led by a trial judge, and then submits funding recommendations to the Indiana Bar Foundation. In 2002, the Commission recommended that the local committees receive a total of \$600,000. Funding comes from the state's Interest On Lawyer Trust Accounts (IOLTA) program. Even in a low interest environment, the IOLTA program, managed by the Indiana Bar Foundation, has continued to generate significant income for the pro bono programs.

With its statewide pro se project, the Court has also helped people who cannot find an attorney or who prefer to represent themselves. Chaired by the Hon. David Holt of the Greene Superior Court, this program has helped educate trial courts and clerk staffs about the

best ways to assist pro se clients. The committee has also prepared a number of commonly used legal forms and posted them on the Internet. Several forms and instructions have been translated into Spanish and posted on the Internet as well. At times, the legal forms page has been among the most popular of the Supreme Court's many webpages.

Oral Arguments Available on the Internet and via Satellite

In an effort to take advantage of the latest technology to make the appellate courts more accessible to the public, the Court has installed the latest "webcast" technology in the Supreme Court Court Room. This equipment, which includes four remotely operated cameras, enables every oral argument to be webcast live on the Internet and then archived for later viewing. Since the project began in the fall of 2001, every Supreme Court oral argument and several Court of Appeals arguments have been webcast on the Internet. The equipment has also been used to webcast an admissions ceremony for new attorneys and to create training videos.

In the spring of 2002, the Court began negotiations to broadcast its oral arguments on the Indiana Higher Education Telecommunications System's satellite network.

A major piece of the "Oral Arguments Online" project is the "Courts in the Class Room" program. For selected Supreme Court and Court of Appeals arguments, lesson plans that enable high school teachers to more easily teach their students about a legal issue or the system itself have been posted on the Internet. In the first four months of 2002, these pages received nearly 14,000 hits. The "Courts in the Classroom" project has been recognized by the National Center for State Courts as a model for educating the public about the judiciary and it also received a national award from the Center for Digital Government.

The equipment purchased for the webcast project has also enabled the Court to "encode" several existing videotapes and post the content on the Internet. For example, the popular "Faces of Justice" video, which was produced to inform the public about how the courts work, is now available on the Internet and receives more than 75 "hits" per month.

To gain greater productivity out of the equipment, the Court is now exploring partnerships with other government agencies for future webcast productions.

Assistant for Court History and Public Education

To preserve and explain the Court's history and help tell the story of the role of the Court and the legal system, the Court hired Elizabeth Osborn to serve as assistant to the Chief Justice for Court History and Public

Education. In addition to gathering artifacts and information about the court's history, Ms. Osborn has developed the lesson plans for the Courts in the Classroom project and all other educational outreach efforts by the Court.

Access to Indiana's Law Schools

The sixth class of law students for the Supreme Court's Indiana Conference on Legal Education Opportunity (ICLEO) were selected in the spring of 2002. These 30 students spent the summer of 2002 at Valparaiso School of Law in a six-week summer institute that is designed to prepare them for the rigors of law school. Each student who completes the summer institute will receive a stipend of \$5,000 to \$7,000 for each year of law school. The mission of ICLEO is to diversify the Indiana legal community by making it easier for people of differing backgrounds to succeed in law school. ICLEO also promotes a number of additional programs, including career assistance, job placement, summer employment, networking opportunities, and assistance with preparation for the Indiana Bar Examination.

The Jury Rules Project

A two-year effort to review and amend the rules that govern jury trials in Indiana was completed during the past fiscal year. Following a series of public meetings across Indiana and surveys of hundreds of court users, the Supreme Court approved a number of changes to the manner of jury selection and jury service. The new rules limit jury service to either one day or service or one trial per year and direct trial judges to inform jurors they have the right to ask questions during a trial. The new rules are effective January 1, 2003.

The Race and Gender Fairness Commission

Chaired by former Supreme Court Justice Myra C. Selby, the Commission on Race and Gender Fairness continued to work to improve the operation of the legal system by eliminating bias. The Commission held public hearings in six cities during the summer of 2001. Those hearings and other information gathered by the Commission will shape the recommendations the Commission will make to the Court in late 2002.

Documentary Television Productions

The Court granted permission for the second time to an independent television producer to videotape Child in Need of Services hearings in three Indiana courtrooms. The result was a fifty-minute segment on NBC's "Dateline" and a two-hour companion piece on MSNBC in the spring of 2002. The documentary productions focused on the challenges in juvenile courtrooms that trial judges face on a daily basis. In addition to its success in television's ratings system, the documents also

motivated a number of individuals to volunteer in the juvenile court system. The producer, Karen Grau, of Indianapolis, has agreed to share the videotape of the program with Indiana trial judges at a reduced cost.

Family Court Project

With fresh funding from the Indiana General Assembly, the Court's Family Court Project expanded into a second phase by supporting additional family court projects in several more counties. The mission of the Family Court Project is to provide better services to children and their families who are involved in the judicial system. A key focus is on the special needs of families who have multiple cases pending before several judges. A \$400,000 appropriation from the legislature in 1999 allowed the Supreme Court to open family court projects in Johnson, Monroe and Porter counties. In July 2001, an additional \$400,000 allowed expansion of the family court project into Marion and LaPorte counties. It

also authorized the first multiple-county family court project in Montgomery and Boone counties. Putnam County also became a family court project county and expects to share its existing mediation/facilitation program with Owen County.

Implementation of Parenting Time Guidelines

Another recent significant recent accomplishment of the Indiana Supreme Court was the adoption of the Indiana Parenting Time Guidelines that became effective during 2001. These guidelines provide much needed direction and uniformity to the very difficult task of determining the visitation rights of divorced parents. These comprehensive guidelines were created by the Judicial Conference of Indiana after an enormous amount of study and work. It is worth noting that much of the work involved in developing these guidelines was done by Indiana judges who volunteered their time. ■

III. THE INDIANA SUPREME COURT

A. BRIEF HISTORY

The Indiana Supreme Court is the highest Court in Indiana. It was established in 1816 when Indiana became a state. During territorial days, a general Court of three judges had served and they, with the Governor, enacted the laws of the Indiana Territory. The new Court first sat at Corydon on May 5, 1817, and consisted of three judges appointed by the Governor to seven-year terms.

Controversy over the State's bonded debt was the driving force behind the Constitutional Convention in 1850. At the convention, delegates also decided to reorganize the Supreme Court. Under the new Constitution adopted in 1851, the judges would be elected by the people, and their number would be "not less than three, nor more than five judges." Their terms were to be "for six years, if they so long behave well."

Shortly after that, the General Assembly acted to prescribe that four judges would serve on the Supreme Court. Four Judges, representing four geographic districts but elected by statewide ballot, began their terms on January 3, 1853. The Court's caseload grew to such an extent that the General Assembly acted in 1872 to increase the number of judges to five.

The current Supreme Court has as its foundation a Constitutional Amendment ratified by the people in 1970. The Amendment took effect January 1, 1972 and represented an almost complete rewriting of the 1851 Constitution's Judicial Article. It removed members of

the Supreme Court from partisan elections and established a process for voter confirmation before retention in office. The incumbent Justices, as they are now called, are subject to statewide yes-or-no votes on the question of their retention in office. With approval by the electorate, they begin ten-year terms, and are subject to identical retention votes at ten-year intervals in the future. Under current law, retirement is required at the age of seventy-five years.

Should vacancies occur on the Court, the Constitution requires that a seven-member Judicial Nominating Commission recommend to the Governor three qualified persons for each vacancy. The Governor must make his appointment from the three, and that person serves as a Supreme Court Justice for a minimum of two years before becoming subject to a retention vote at General Election. If approved, the justice begins a ten-year term.

To be eligible to serve on the Supreme Court, a person must have practiced law in Indiana at least 10 years or have served at least five years as a trial court judge. Candidates for appointment presented by the Judicial Nominating Commission must be the "most highly qualified candidates," under Public Law 427 of 1971. Considerations include the candidate's legal education, legal writings, reputation in the practice of law, physical condition, financial interests, and activities in public service.

B. THE CASE WORK OF THE INDIANA SUPREME COURT

As evidenced in the section of this report titled,

“Significant Events of Fiscal Year 2001-2002,” the Court is very active in providing leadership for the judicial branch of government. However, a principal business of the Court is deciding cases.

One of the main tasks of the Court is deciding petitions requesting transfer of jurisdiction from the Court of Appeals. This process involves reviewing the record of proceedings, the briefs filed before the Court of Appeals, the Court of Appeals’ opinion, and the materials submitted in connection with the request to transfer jurisdiction. Each justice reviews each case individually and votes on whether to accept transfer. If even one member of the Court requests it, the case will be discussed at a conference involving all five justices. If a majority of the Court votes to grant transfer, an opinion will be written, circulated for a vote and ultimately issued.

The Court also has a considerable direct appellate caseload. The Court exercises direct appellate jurisdiction over all cases in which a sentence of death or life imprisonment without parole has been entered. In addition, the Court has direct jurisdiction over cases involving attorney or judicial discipline, original actions, review of the decisions of the Tax Court, certified questions from federal courts, mandate of funds cases, and review of certain final decisions of the Board of Law Examiners.

A complete statistical summary of the Court’s activities can be found in Appendix A of this Annual Report.

C. BIOGRAPHIES OF THE JUSTICES

Randall T. Shepard of Evansville, was appointed to the Indiana Supreme Court by Governor Robert D. Orr in 1985 at the age of 38. He became Chief Justice of Indiana in March 1987. A seventh generation Hoosier, Shepard graduated from Princeton University cum laude and from the Yale Law School. He earned a Master of Laws degree in the judicial process from the University of Virginia. Shepard was Judge of the Vanderburgh Superior Court from 1980 until his appointment. He earlier served as executive assistant to Mayor Russell Lloyd of Evansville and as special assistant to the Under Secretary of the U.S. Department of Transportation. Chief Justice Shepard was also chairperson of Indiana’s State Student Assistance Commission and trustee of the National Trust for Historic Preservation. Shepard served as chair of the ABA Appellate Judges Conference and of the Section of Legal Education and Admissions to the Bar. He is married and has one daughter.

Brent E. Dickson was appointed as the 100th Justice of the Indiana Supreme Court on January 4, 1986, after seventeen years as a general practice and trial lawyer with a small law firm in Lafayette, Indiana. Born in Gary,

Indiana, in 1941, he was educated at public schools in Hobart, Indiana; Purdue University (B.S. 1964); and Indiana University School of Law at Indianapolis (J.D. 1968). In 1996 he also received an honorary Doctor of Letters degree from Purdue University. Active in various national, state, and local judicial and bar organizations, Justice Dickson has also taught part-time as an adjunct professor at both Indiana University law schools. He was married in Milan, Indiana in 1963. Justice Dickson and his wife have three adult sons.

Frank Sullivan, Jr., was appointed to the Supreme Court in 1993 by Governor Evan Bayh. Born in 1950 in South Bend, Indiana, he attended Dartmouth College (A.B. cum laude, 1972) and Indiana University School of Law - Bloomington (J.D. magna cum laude, 1982). In 2001, he earned a Masters of Law in the Judicial Process degree from the University of Virginia School of Law. During the 1970’s, he served as administrative assistant and staff director for former U.S. Representative John Brademas. During the 1980’s, he practiced law in Indianapolis, concentrating his practice in corporate and securities law. In 1989, he was appointed by Governor Bayh as Indiana State Budget Director, an office he held through 1992. He is co-chair of the ABA Commission on Racial and Ethnic Diversity in the Profession and the Judicial Division’s Joint Clerkship Program, which encourages minority law students to seek judicial clerkships. He and his wife are the parents of three sons.

Theodore R. Boehm was appointed to the Supreme Court by Governor Evan Bayh in 1996. He grew up in Indianapolis, received his A.B. from Brown University in 1960, summa cum laude, and graduated magna cum laude in 1963 from Harvard Law School, where he was an editor of the Harvard Law Review. He served as a law clerk to Chief Justice Earl Warren of the United States Supreme Court. In 1964 he joined the Indianapolis law firm of Baker & Daniels where he became a partner in 1970 and managing partner in 1980. In 1988 Justice Boehm joined General Electric as General Counsel of GE Appliances and in 1989 became Vice President and General Counsel of GE Aircraft Engines. In 1991 he joined Eli Lilly Company and then returned to Baker & Daniels in 1995. Justice Boehm was Chairman and CEO of the organizing committee for the 1987 Pan American Games in Indianapolis, and was the first President and CEO of Indiana Sports Corporation. He is a Trustee emeritus of Brown University and a member of the American Law Institute. He is married and has four grown daughters and three grandchildren.

Robert D. Rucker was appointed to the Indiana Supreme Court by Governor Frank O'Bannon in 1999. Born in Canton, Georgia, he grew up in Gary, Indiana, and is a decorated Vietnam combat veteran. He is a graduate of Indiana University (B.A. 1974) and Valparaiso University School of Law (J.D. 1976). In 1998 he earned a Master of Laws degree in the judicial process from the University of Virginia Law School. Prior to his appointment to the Indiana Supreme Court, Justice Rucker served as a Judge on the Indiana Court

of Appeals, having been appointed to that position in 1991 Governor Evan Bayh. As a lawyer, Justice Rucker served as a deputy prosecuting attorney for Lake County, City Attorney for the City of Gary, and engaged in the general practice of law in East Chicago. He is married and has two sons and a daughter. ■

IV. BUDGETARY MATTERS

During the reporting period, the Supreme Court is operated under a biennial budget for the period from 2001-2002 previously approved by the General Assembly. The Court has continued its efforts to provide greater service at reduced expense through efficiency. ■

V. ACTIVITIES OF THE AFFILIATED AGENCIES AND DIVISIONS OF THE COURT

A. DIVISION OF SUPREME COURT ADMINISTRATION

Douglas E. Cressler, Administrator

The Division of Supreme Court Administration serves the Indiana Supreme Court in the management of the Court, working generally at the direction of the Chief Justice. Indiana Code §33-2.1-7-4 provides that "[t]he division of Supreme Court Administration shall perform such legal and administrative duties for the justices as are directed by the justices." The complex legal administrative tasks with which the Indiana Supreme Court must deal keep the attorneys and professional clerical staff members in the administration office busy.

The office is responsible for the fiscal administration of the Court, including the processing of payroll, the payment of bills, the preparation of expense vouchers, and the administration of employee benefits. The office also assists the Chief Justice with the preparation of the Court's budget. The office accumulates Court statistics and prepares reports about the work of the Court. The staff of the office often serve as the Court's liaison to its various agencies, the practicing bar, and to the general public. In addition, much of the physical handling of cases reviewed by the Court is managed by the administration office.

The lawyers of the Division of Supreme Court Administration also serve as the Court's central staff counsel. In fiscal year 2001-2002, the office produced hundreds of substantial legal memoranda on a myriad

of topics to assist the Indiana Supreme Court in its role as the court of last resort in Indiana. The various miscellaneous motions and other matters requiring ruling in cases pending before the Court are presented to the Chief Justice and to the Court through the administration office. Finally, the administration office has specific duties prescribed by the Indiana Trial Rules with regard to original actions, which are proceedings which challenge a trial court's jurisdiction and which may be taken directly to the Indiana Supreme Court.

The five attorneys of the Division of Supreme Court Administration are also very active in legal education and in providing service to the profession through, among other things, involvement with the Indiana State Bar Association.

B. DIVISION OF STATE COURT ADMINISTRATION **Lilia Judson, Executive Director**

The Division of State Court Administration is a statutory office created to assist the Indiana Supreme Court in the administration and management of Indiana's judicial system. The Division staff serves under the authority of the Chief Justice. The Chief Justice, Supreme Court and the General Assembly assign duties to the Division.

Statistics

Pursuant to Indiana Code 33-2.1-7-3 and Indiana Supreme Court Administrative Rules 1 and 2, the Division collects and publishes information on the case-

load and fiscal activities of all courts and probation offices throughout the state. The data is published annually in The Indiana Judicial Service Report and The Indiana Probation Report. This data provides the empirical basis for policy decisions by the Indiana Supreme Court and the Indiana General Assembly.

Legal Responsibilities

The Division legal staff serves as counsel to the Supreme Court in matters involving attorney discipline and requests for the appointment of special judges, special masters, and senior judges. It also serves as counsel to the Indiana Commission on Judicial Qualifications. In fiscal year 2001/2002, Division legal staff assisted the Supreme Court in disposing of 119 disciplinary matters. As part of this disciplinary function, the Division staff conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission, attorneys who are serving as hearing officers in attorney disciplinary cases, as well as requests for review of decisions by the Disciplinary Commission and the Indiana Commission on Judicial Qualifications.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain unusual circumstances. The Division monitors local rules establishing plans for special judge selection and processes requests for the appointment of special judges by the Supreme Court. In fiscal year 2001-2002, the Division received 195 new requests for special judge appointments.

Various federal and state laws, rules and regulations, as well as U.S. Supreme Court decisions affect the administrative responsibilities of trial judges. Since 1996, the Division has designated a labor law attorney to provide advice to trial judges on employment law issues. A significant part of this function involves training for judges and their staff on issues such as Sexual Harassment Sensitivity Awareness, the Americans With Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, Effectively Disciplining and Terminating Problem Employees, and Effective Use of Policies and Drug Testing.

Rule Amendments and the Supreme Court Committee on Rules of Practice and Procedure

The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court. The committee's work in 2001 culminated

with the Supreme Court adopting a new set of Jury Rules for Indiana, effective January 1, 2003. Other amendments implemented statutory changes to protective order proceedings and provided for electronic transmittal of discovery.

Senior Judge Program

In 1989, the General Assembly enacted legislation allowing the Indiana Supreme Court to use the services of former judges who have been certified as Senior Judges by the Indiana Judicial Nominating Commission. The program, small at first, has grown into an invaluable resource of about ninety seasoned judicial officers who serve at minimal cost. During fiscal year 2001/2002, senior judges logged 3,875 days of service in trial courts and the Indiana Court of Appeals. In addition to the certification and review of requests for this program, the Division administers the payroll and benefits for the participants. During fiscal year 2001/2002, the Division staff processed 325 requests for senior judge appointments to specific courts.

Weighted Caseload Measures and Caseload Redistribution Plans

Following a two-year study in the mid-1990's conducted by the Judicial Administration Committee of the Indiana Judicial Conference, the Division, and an independent consultant, Indiana developed a system for measuring caseloads based on weighted relative times for cases. This Weighted Caseload Measures system examines only new cases filed in trial courts. These weighted statistics provide the Indiana Supreme Court and General Assembly the information necessary for allocation of judicial resources.

Trial courts use these same statistical measures to develop county caseload plans that seek to reduce disparity in caseloads and judicial resources so that all courts in a county fall within a 25% variance range of the average county caseload. A similar effort on the judicial district level has reallocated cases and resources to ease caseload in busier counties while better utilizing existing resources in counties with a lower caseload.

During much of 2001, the Division joined forces once again with the Judicial Administration Committee of the Indiana Judicial Conference to conduct an update and validation of the Weighted Caseload Measures. Since the study was first conducted, the addition of new case type designations and procedural and substantive changes necessitated an update of the original study. The results of the update to the Weighted Caseload Measures will be completed in the fall of 2002.

Judicial Technology and Automation

By Administrative Rule, the Indiana Supreme Court established a special committee, Judicial Technology and Automation Committee, (JTAC), chaired by Supreme Court Justice Frank Sullivan, Jr., and asked it to guide Indiana's judicial system in implementing a modern case management and information sharing system.

The Division staff serves as JTAC's staff. Division staff, through its Automation and Technical Services Section (described in the next section), traditionally has provided the technical and automation support for the appellate level courts. The creation of JTAC, however, has focused the Supreme Court's attention on the use of technology in the trial courts. Although a long-standing goal for the Court, funding technology in the trial courts has been a daunting issue in Indiana because the operations of Indiana's trial courts are funded through county funds.

The Division staff assisted JTAC in great successes on three key projects: (1) providing e-mail and internet access to all trial court judges and clerks, (2) providing flat-rate on-line legal research through LEXIS-NEXIS to all courts and Indiana government, and (3) providing computer training to court and clerk staff through a partnership with Ivy Tech State College.

More significantly, JTAC has embarked on a statewide project to equip every Indiana trial court with a 21st century "case management system" and to connect individual courts' case management systems with each other and with users of court information such as state agencies, law enforcement, and the public.

The Supreme Court and JTAC made significant progress during 2002 in achieving these goals. First, the General Assembly enacted and Governor O'Bannon signed into law a bill which provides financial resources for the project primarily by increasing court-filing fees and dedicating them to a project.

Second, JTAC undertook a competitive procurement process which resulted in the selection of Computer Associates International, Inc, to design and implement the new case management system.

In late 2001, JTAC published a Public Notice of Contracting Opportunities seeking responses from vendors to answer Indiana's need for a case management system. More than 30 vendors responded with custom proposals. Ultimately, JTAC recommended and the Supreme Court approved the selection of a proposal by Computer Associates. In June of 2002 the Division executed a contract for the customization and deployment a modern case management (CMS) system to any Indiana county that elects to participate.

Third, JTAC has established a partnership with state's largest county under which Marion County will serve as a pilot test site for the new system.

Through this project, the Supreme Court hopes to provide all Indiana courts with technology that will (1) allow Indiana trial courts and court clerks to manage their caseloads faster and more cost-effectively; (2) provide users of Indiana trial court information, notably law enforcement agencies, state policymakers, and the public, with more timely, accurate, and comprehensive information; and (3) reduce the cost of trial court operations borne by Indiana counties.

Appellate Court Automation and Technical Services

The Technical Services Section of the Division provides daily computer operations support to all appellate level courts and their adjunct agencies. Justices, judges and staff now have available to them secure, remote access when traveling or at home. Also available to staff are enhanced connections with other state agencies including the Budget Agency, Auditor's Office, Department of Personnel, and Department of Administration.

Several web projects have been completed and others are under development. Attorneys may view their Continuing Legal Education credit hours on the Internet protected by a password. Attorneys can also view available legal education classes on the Internet and may search by date, area of law, or geographic location.

In the most recent project, the dockets of the Indiana Supreme Court, Court of Appeals and Tax Court were posted on the Internet with live, current data. The deployment on the Internet of the list of all Indiana attorneys is under development. Also during the reporting year, the statistical quarterly case status report forms (QCSR) were programmed so courts will be able to enter the report data through the Internet. This project is in a pilot test phase.

Indiana Conference for Legal Education Opportunity (CLEO)

Indiana CLEO has continued to grow since its inception in 1997 as the first state-sponsored legal education program. The Indiana CLEO program was established by the General Assembly to provide incentives and support to disadvantaged students to enter and stay in the legal profession in Indiana. The program has already served as a model for two other states that have implemented similar "CLEO" programs. The Division administers the program with the guidance of an advisory board that is chaired by the Chief Justice of Indiana. The Indiana CLEO program now has the same number of CLEO Fellows in law school (eighty-seven) as the num-

ber that have successfully completed law school (eighty-seven).

An integral part of Indiana CLEO continues to be an intensive six-weeks summer Institute for the annually selected CLEO class of thirty CLEO Fellows. The CLEO Institute prepares the CLEO fellows for the rigors of a law school education. Indiana CLEO also continues to provide a summer job program and mentoring and networking opportunities for first year CLEO students.

During the fiscal year, Indiana CLEO initiated the SUCCESS program for first year law students at each of Indiana's law schools. The SUCCESS program assists the students in exam preparation, legal writing, note taking and outlining.

Guidance and assistance is also available to graduates studying for the Indiana bar exam. Through a special aspect of the CLEO program called Preparing Accomplished Students for Success on the Indiana bar Exam (PASS), the Division and volunteers from the Indiana Bar provide bar review assistance that concentrates on the writing portions of the Indiana bar exam.

Indiana CLEO continues to grow and expand the opportunities available for both Indiana CLEO Fellows students and alumni.

Civil Legal Aid Fund

Since 1997, the Division has been responsible for administering a state fund for legal assistance to indigent persons in civil cases. In July 2001, and January 2002, the Division made distributions, totaling one million dollars, to ten organizations providing civil legal aid services to Indiana's poor. Under new federal guidelines, only one Indiana organization received money from the Legal Services Corporation for indigent services. As a result, two providers merged and one ceased operation, thereby reducing the number of qualified organizations in Indiana from twelve to ten.

Distributions are based upon an analysis of each county's civil caseload, as it relates to the caseload for the entire state, and the number of organizations serving each county. During the year, preparation was made for the anticipated change in the structure of legal services for the indigent in Indiana.

In order to provide an empirical basis for evaluation of the program, the Division structured and instituted a data collection system whereby service providers collect and report on the services they provide to the poor in a uniform manner susceptible to analysis. The first Civil Legal Aid statistical report will be published in July of 2002.

Court Improvement Grant

The Indiana Supreme Court, through its Court Improvement Executive Committee and with the bene-

fit of federal funds, continued a Court Improvement Project. The purpose of the project is to improve the disposition time and services in cases involving abused and neglected children. The Division serves as the project director and fiscal administrator.

Although the purpose and overall framework of the project are set by the U.S. Department of Health and Human Services and the American Bar Association's Center on Children and the Law, the Supreme Court and the members of an executive committee have guided the direction of the Indiana program. During the initial phase of this multi-phased project, the committee identified several areas of particular concern. In the second phase, eighteen county level programs aimed at expediting child neglect and abuse cases were implemented. During a third phase, efforts were focused on larger, more comprehensive improvements in the delivery of services to children in the more populous counties of Lake, Marion, Elkhart, and St. Joseph. In a fourth phase, funding was provided to assist in the design of two Family Court Pilot Projects. The projects, located in Putnam and Porter counties, use mediation/facilitation services in family court cases.

Recently, a fifth phase funded eight counties that plan to replicate the successful programs in phase three. These include pre-hearing facilitation in child abuse and neglect cases, case manager services, and family court projects. The Supreme Court anticipates that the innovative programs developed through this grant will markedly improve the delivery of services to Indiana's children.

Information Management

Pursuant to a statutory directive, the Division must examine the business methods and systems employed in the offices of the courts, clerks and others serving the courts and recommend improvements. The Supreme Court, by Administrative Rule, created a Records Management Committee, which is chaired by Supreme Court Justice Brent Dickson. The Committee provides leadership and guidance to the Information Management Section of the Division.

In performing its records management function, the Division assists Indiana courts and clerks with managing judicial information from its creation, to maintenance, access, and disposal. One significant area is assisting counties with the disposal of nonpermanent records through the use of a records retention schedule promulgated by the Supreme Court. As in previous years, the Division staff assisted several counties to reduce their non-permanent records.

Staff of the Information Management Section visited twenty counties throughout 2001 for a total of twenty-

nine on-site days. During these visits the Division helped courts with microfilming and imaging procedures and policies, records disposal and retention and confidentiality procedures.

The Division staff is a regular contributor to the annual conference of city clerks and judges, as well as the annual conference of circuit court clerks. These forums provide some of the rare education opportunities available to Indiana's independently elected clerks.

Protective Order Proceedings

One of the Division's specific statutory responsibilities is to design and update the forms used in protective order proceedings. During the reporting year, the Division worked with a special Protective Orders Committee convened by the Supreme Court to review the protective order process in Indiana and recommend improvements. The Protective Order Committee authored and successfully shepherded through the 2002 Legislature a much-needed extensive revision of Indiana's procedures on orders of protection. The amendments are effective July 1, 2002. They make Indiana's laws comport with federal standards. During the second half of the year, considerable effort was devoted to implementing the new law through redesign of forms and seminars and training for clerks and judges.

Accounts Management, Payroll and Claims, Judicial Benefits Coordination

The Division maintains and administers 14 accounts, totaling approximately \$68,875,000. The administration of payroll and benefits for all state trial court judges, prosecuting attorneys, and other judicial officials paid with state funds is part of this fiscal responsibility. The annual payroll account for this purpose is approximately \$58,185,000 and covers approximately seven hundred individuals. Also, as part of this "paymaster" function, the Division processes and pays in excess of 3,515 claims per year for special and senior judge service.

Indiana Office of GAL/CASA

In 1989, the Indiana General Assembly established an office of Guardian Ad Litem and Court Appointed Special Advocate (GAL/CASA) services to be administered through the Division. Through this program, counties are encouraged to provide appropriate GAL/CASA services by receiving matching state funding administered by the Division and disbursed pursuant to a statutory formula. In addition, the state office provides training and support services for local GAL/CASA programs. An advisory commission, which includes program directors and judges appointed by the Indiana Supreme Court, provides guidance. In state fiscal year 2001, sev-

enty-five counties qualified for and received state GAL/CASA funds. Sixty-seven counties in Indiana funded a volunteer-based GAL/CASA program, staffed by 124 paid personnel.

In 2001 the state office collected data and compiled statistics for its second annual report. Of the programs in Indiana, 97% responded to the request for submission of data. From the information garnered from those programs, the state office determined that at least 1,911 volunteers provided services to children in 2001, and, of those volunteers, 567 were newly trained in 2001. Even so, there were 2,188 children still waiting for a GAL/CASA volunteer to be appointed to their cases.

The National CASA Association has recently updated and revised the training curriculum it provides to affiliated programs at no cost, so the state office staff has been busy assisting in training volunteers in the new materials. For the second year, the Advisory Commission held a day-long strategic planning session to set goals and objectives for the state office as well as the state network.

Through a two-year grant from the National CASA Association, the state office has been able to offer additional services to communities that do not yet have active CASA programs, to assist programs that are in existence but may be floundering, and to provide enhanced support services to thriving programs. Funding from the grant has made it possible to publish a quarterly newsletter and conduct quarterly regional training for program directors.

On November 2, 2001, the state office held a meeting for staff from all local programs, just a day before the office again sponsored its State Conference on November 3. Over 70 local county directors and their staff attending the day long staff meeting and over 300 CASA volunteers, local program directors, service providers, board members and local program staff attended the annual conference.

Family Courts Project

The Family Court Project was initiated in 1999 when, at the request of the Indiana Supreme Court, the General Assembly appropriated \$400 for a two-year pilot phase. The project has now entered its second two-year phase with the help of unwavering support and encouragement from the Court and funding from the Legislature. The project is managed through the Division with the assistance of a contract consultant. It is guided by a task force of judges chaired by the Honorable Margret Robb, a member of the Indiana Court of Appeals.

Through the Indiana Family Court Project, 7 projects, involving 9 counties, have been working on unique

ways to improve the plight of families going through the judicial system. The pilot projects have convened broad family court advisory groups comprised of the local bar, service providers and other community leaders. These community based advisory boards guide each of the local projects through the unique needs of the local community.

The methods being developed by the different projects involve 1) one family one judge concept under which all cases relating to the same family are moved to the same judge, (2) case coordination by a case manager who links related cases and coordinates information and appearances by family members multiple times, and 3) affordable mediation in cases involving the family.

Hard data collected by the family court projects themselves, data from statewide written surveys and focus group results, together with an evaluation conducted by an independent entity, indicate that the Indiana project has been successful.

An independent evaluation process conducted by a consultant through the Center for Families, Children and the Courts at the University of Baltimore School of Law, involved surveys of 300 judges and lawyers, focus group meetings and site visits. The evaluation provided a list of "best practices" and strongly recommended that the Family Court Project be continued.

In addition to the formal evaluation, the individual projects employed a variety of process and outcome evaluation tools to generate substantial hard data and anecdotal information about the projects.

In four years of family court projects, Indiana has learned that the incidence of multiple-case families and unmet needs in family litigation is significant. The data also shows that multiple-case families have a high incidence of social factors that place children at risk, such as domestic violence, substance abuse, mental illness, child abuse or neglect, severe parental conflict, and poverty. The data indicates that this population has a high need for prevention and/or treatment services. The anecdotal data further reveals an unmet need for affordable non-adversarial dispute resolution in family cases and a need for service referral programming.

The pilot counties have made systematic changes in court case management and service programming for multiple-case families; the projects have created effective alternative dispute resolution solutions; and they have developed effective service referral and direct services case management for at-risk families. These processes are easily transferable to other venues willing to undertake the challenge of restructuring the way they do business in order to assist families.

All this has been accomplished with a very modest sum of 200,000 per year, which has been used to help defray some of the additional costs incurred by the counties, meeting and travel expenses, and professional guidance and leadership from a family court expert.

But the evaluations and data also indicate that many families in our system still need (1) affordable mediation for family cases (2) help with coordinating and monitoring services such as such as domestic violence counseling, mental illness, and substance abuse treatment. These needs and the need to implement the family court concept in many more counties in our state, means that we must continue to build upon our success. A comprehensive project report will be submitted to the Supreme Court at the end of calendar year 2002.

Public Defender Commission

Pursuant to statute, the Division provides staff support to the Indiana Public Defender Commission and administers the Public Defender Fund. The Commission sets standards for indigent defense services in capital and non-capital cases and administers a program of reimbursements to qualified counties under IC 33-9-14-4. Between July 1, 2001, and June 30, 2002, staff met with judges and local officials on eleven separate occasions and participated in five judicial district presentations. During the same period, the Commission approved two new counties to receive reimbursements for non-capital cases.

During the 2001 session of the General Assembly, the appropriation for the Public Defense Fund was substantially increased. For fiscal year 2001-2002, the Fund's appropriation will increase from \$2.4 million to \$6.0 million. For fiscal year 2002-2003, the appropriation will increase to \$7.0 million.

At present, fifty counties have comprehensive plans approved by the Commission for delivery of indigent services. Currently, over fifty percent of the state's population resides in counties eligible to receive reimbursements under the program. The Commission approved reimbursements to eleven counties in eighteen separate death penalty cases in the first three quarters of fiscal year 2001-2002, totaling \$473,317.

The Commission temporarily suspended reimbursements in non-capital cases during the year due to a shortfall in funding. The suspended payments will be paid on a pro rata basis at the close of the fiscal year. In non-capital cases, during fiscal year 2001-2002, the Commission approved reimbursements for forty-four counties totaling \$4,869,314. As a result of the increase in the Public Defender Fund, the Commission anticipates continued growth and participation in the Fund.

Sharing Information Through the Internet and Traditional Publications

The Division publishes a newsletter, The Indiana Court Times, which serves as a communication link with the trial courts, their staff, the clerks of court, and all other entities involved in the courts' work. The Division designs and maintains the web site for the Indiana Judicial System. In addition to court opinions, rule amendments, downloadable forms, summary statistical reports, a self help center, Indiana CLEO applications and advisory opinions issued by the Indiana Commission on Judicial Qualifications, are now available on the web site. Most recently, Indiana's attorneys can now view and track their continuing education courses (CLE) over the Internet.

Indiana Supreme Court Commission on Race and Gender Fairness

Sparked by concerns about race and gender fairness in Indiana's justice system, the Supreme Court, through an administrative rule, created the Indiana Supreme Court Commission on Race and Gender Fairness in 1999. Representatives of Indiana's judiciary, the practicing bar, academia, state and local governments, public organizations, and law enforcement and corrections comprise the twenty-five member Commission, chaired by former Indiana Supreme Court Justice Myra Selby. The Division of State Court Administration serves as staff to the Commission. At the request of Chief Justice Shepard, the 2001 General Assembly appropriated a distinct budget for the work of the Commission.

The Commission's charge is to study the status of race and gender fairness in the judicial system and recommend ways for improvement.

Since its inception, the Commission has researched statistical census and demographic data, identified broad issues which it will study, determined the means by which it will collect information regarding those issues and created a web site and informational brochure.

During the summer of 2001, the Commission hosted Community Forums in six locations across Indiana, which afforded Indiana residents the opportunity to voice concerns on race and gender fairness issues.

While citizens voiced numerous race and gender-related concerns at these hearings, the issue raised most frequently was the lack of a court interpreter system in Indiana. The Commission heard reports of fraudulent conduct by persons acting as interpreters, reliance upon friends and family members untrained in the law and not well educated in either language, in whose hands were entrusted the property and liberty interest of non-English speaking litigants who had to go

to court. Of even greater concern were reports of police officers serving as interpreters in criminal court proceedings because of lack of funding for trained and qualified interpreters, despite their obvious conflict of interest.

The Commission's research indicates that Indiana is ill prepared to deal with persons who do not speak English or have limited understanding of English, whether these persons appear in court as victims of crime, witnesses, civil litigants, or criminal defendants. Indiana has no centralized court interpreter system, but interpreters frequently are needed in the state trial courts.

Census figures show ethnic populations in Indiana have increased dramatically in the last decade, with the most significant increase occurring in the Hispanic/Latino population. Census figures show Indiana's Hispanic/Latino population grew from about 99,000 in 1990 to nearly 215,000 in 2000.

A survey conducted by the Indiana University Public Opinion Laboratory during the past year shows that about 90 percent of the responding courts had used foreign language translators in their courtrooms during the past six months. The survey also showed some of those judges used interpreters more than 100 times during that six-month period. Eighty-five percent of the interpreters used by those judges translated between Spanish and English. Most compelling was the survey finding that thirty percent of the courts that responded had been unable to find an interpreter when one was needed.

The Supreme Court Commission on Race and Gender Fairness is not the first to call for competent court interpreters. The Indiana Commission on Hispanic/Latino Affairs previously recommended to Governor Frank O'Bannon the creation of a centralized system of expert interpretation in courtrooms for Hispanic/Latino individuals with limited English-speaking abilities.

As this need became evident in the course of the Commission's study, the Commission decided to make an interim recommendation to the Indiana Supreme Court to institute a state-wide court interpreter system.

In response, the Supreme Court authorized the Executive Director of the Division to join the national State Court Interpreter Certification Consortium through the National Center for state Courts and to implement an Indiana court interpreter testing system for Spanish. At the time of this printing, the Division had just joined the Consortium.

The Court also authorized the Division to provide qualified bilingual staff to administer the program and

to assist the Supreme Court in recruiting members for an Advisor Board who will guide the program.

The Court also approved in principle the concept of a code of ethics for interpreters and the concept of setting specific certification standards for interpreters. The Court will look to the Advisory Board to assist the Court in developing these principles.

In addition the Court agreed with the Commission's assessment that a strong need exists for training and orientation of interpreters, judges and court staff. As with many of the other Commission recommendations that have a fiscal impact, the Court decided to implement this recommendation to the extent that it could be accommodated by the existing judicial education structure.

The Court stopped short of mandating the use of certified interpreters and asked the Commission for further examination. In particular, the Court asked for a better understanding of how much is now paid for interpreters, who bears this cost, if and how the cost would change if certified interpreters are mandated, and who would bear the increase.

Availability of competent interpreters is a fundamental factor in providing access to justice for all. The Indiana Supreme Court has taken a decisive step in assuring such access to non-English speaking people by approving the Commission's recommendations.

Task Force on Voice Recognition Technology Initiatives

In 1999, the Chief Justice appointed a special task force to examine voice recognition technology. The mission of the Voice Recognition Task Force is to determine whether voice recognition technology might speed the production of transcripts in cases that are appealed. The chair of the Voice Recognition Task Force, the Honorable Daniel J. Vanderpool, reported on the Task Force's activities and the technology underlying voice recognition in a report to the Chief Justice in 2001.

Two pilot sites were selected for the program: one in Porter County and one in Lake County. These two sites began work with the voice recognition equipment in November 2001. The experiment is expected to conclude in early 2003, at which time a more thorough evaluation of the capabilities and efficiencies of the voice recognition technology will be made.

Judicial District Business Meetings

During early 2002, in conjunction with the Indiana Judicial Center, the Division helps sponsor the biannual judicial district business meetings for Judicial Districts 1, 2, 3, 5, 6 and 13. Clerks of the Circuit Courts and their deputies were also invited to attend the plenary sessions of these meetings to further the acquisi-

tion and customization for a statewide case management system. Judges and clerks also learned about the new protective order statutes, the activities of the Board of Law Examiners, GAL/CASA services and the progress of District Pro Bono Plans.

Committee on Local Rules

At the request of the Supreme Court Committee on Rules of Practice and Procedure, the Supreme Court convened a special Local Rules Committee to examine the local court rules of Indiana's courts and to recommend a model structure for such rules. The Division provides staff to the new committee, which is chaired by the Hon. Margret Robb of the Indiana Court of Appeals. The first task of the committee during the reporting year was the compilation of all existing local rules into one place. The committee expects to complete its work by mid-2003.

Indiana Project on Self-Represented Litigants

Faced with a large increase in the number of self-represented litigants in our judicial system, the Indiana Supreme Court asked the Division to lay the groundwork for a statewide pro se assistance network that would provide basic resources to self-represented litigants. Seed money for the project came through a grant from the State Justice Institute. A fifteen-member committee of judges, clerks and others dedicated to assisting pro se litigants guides the project.

The first order of business was the development of three pilot county self-help programs in Marion, Tippecanoe and Monroe Counties. The committee then developed and deployed on the Internet standard forms for statewide use in simple domestic relations litigation. The forms have also been translated in Spanish. This work is now organized on the Indiana Supreme Court web site as a Self-Help Center accessible to the public.

Much of the work of the committee and staff has also focused on educating judges and court staff on how to assist self-represented litigants. The Division developed and sent out to all courts and clerk's offices a catchy, easy to read, color poster for display in clerk's offices. The poster sets out in clear, simple language what the court and clerk staff can and cannot do in assisting self-represented litigants. Committee members and staff have also traveled to counties and participated in education sessions for court and clerk staff.

At the conclusion of the SJI grant, the Indiana Supreme Court decided to formalize the project and assign this as a permanent function of the Division. With the guidance of the pro-se advisory committee, the project plans to move beyond the development and deployment of forms. We anticipate working closely with the

District Pro Bono plans to coordinate the pro bono work offered by attorneys with the needs of self-represented litigants. Also, next on the agenda for the project is the study and eventual recommendation on broader policy issues such as unbundling of legal services.

C. INDIANA SUPREME COURT DISCIPLINARY COMMISSION

Donald R. Lundberg, Executive Secretary

The Disciplinary Commission is responsible for the investigation and prosecution of attorney discipline proceedings. The Commission is funded through an annual registration fee that is required of all lawyers who wish to keep their Indiana law licenses active and in good standing. During the Commission's fiscal year of July 1, 2001 through June 30, 2002, the Commission received \$1,389,875 in income, compared to \$1,332,372 budgeted, and incurred \$1,454,041 in expenses, compared to \$1,638,862 budgeted. The Commission's expenses included disbursements of \$150,000 for operation of the Indiana Judges and Lawyers Assistance Program.

The following discussion of the accomplishments of the Disciplinary Commission and the Court in lawyer discipline matters draws upon statistics from the Commission's annual reporting period beginning July 1, 2001 and ending June 30, 2002. The Disciplinary Commission publishes a detailed annual report of its activities, copies of which are available by contacting the Commission office or by accessing the Commission's web site.

During the reporting period, 1,553 grievances were filed with the Commission, a similar number of grievances as were filed in the previous year. Forty-five of those grievances were initiated by the Commission in its own name based upon information coming to its attention from a variety of reporting sources, including reports from lawyers and judges. Third-party complainants filed the balance of the grievances.

During the reporting period, the Commission filed sixty-two Verified Complaints for Disciplinary Action with the Supreme Court. These Verified Complaints, together with amendments to pending Verified Complaints, represented findings of probable cause by the Commission in 110 separate counts of misconduct.

The Court issued eighty-two final orders disposing of lawyer discipline cases, representing the completion of 134 separate matters. By disposition type, those cases were resolved as follows:

Private Reprimands	2
Public Reprimands	23
Suspensions with Automatic Reinstatement	14

Suspensions with Conditional Reinstatement	5
Suspensions without Automatic Reinstatement	17
Resignations Accepted	9
Disbarments	5
Judgments for Respondent	5
Dismissals	2
Total	82

The Disciplinary Commission resolved sixteen cases administratively through the issuance of private administrative admonitions. The ninety-one matters that concluded during the year with some form of disciplinary sanction represent the greatest number of sanctions in any single year since the Commission was created. In addition to these concluded matters, the Court issued an order of temporary suspension in three cases upon the request of the Commission. The Court also ordered the suspension of the law licenses of forty-four lawyers for their failure to pay annual attorney registration fees.

During the reporting period, four previously disciplined lawyers filed petitions to have their law licenses reinstated. The Supreme Court issued three final orders in lawyer reinstatement proceedings, denying reinstatement in two cases and granting reinstatement in one. During the reporting period, the Supreme Court also entered orders suspending the licenses of three lawyers due to disabilities that rendered them unfit to practice law, and it revoked the probationary licenses to practice law of one lawyer and actively suspended his law license without automatic reinstatement.

Effective January 1, 2001, the Supreme Court amended Admission and Discipline Rule 23(10) to provide for the suspension of a lawyer's law license upon a showing that the lawyer has failed to cooperate with the disciplinary process. The purpose of this rule was to promote lawyer cooperation to aid in the effective and efficient functioning of the disciplinary system. The Commission brings allegations of non-cooperation before the Court by filing petitions to show cause. The following are the disposition of the 13 non-cooperation matters that the Commission filed with the Court during the reporting year:

Show cause petitions	13
Dismissals after show cause petition due to compliance	3
Conditional dismissals	1
Case moot due to lawyer's resignation from the bar	1
Pending without court action as of 6/30/2002	1
Show cause orders	13

Dismissals after show cause order due to compliance.....	3
Conditional dismissals	1
Orders pending without further court action as of 6/30/2002	1
Suspensions for non-cooperation.....	7
Reinstatements due to cooperation after suspension.....	4
Suspensions still effective as of 6/30/2002	3

The Disciplinary Commission was notified by financial institutions of seventy cases of overdrafts on attorney trust accounts. The following are the results of overdraft inquiries during the reporting year:

Inquiries Carried Over From Prior Year....	13
Overdraft Reports Received	70
Inquiries Closed.....	69
Reasons for Closing:	
Bank Error.....	21
Referral for Disciplinary Investigation	3
Overdraft Due to Refused Deposit for Bad Endorsement.....	5
Law Office Math or Record-Keeping Error	7
Inadvertent Deposit of Trust Funds to Non-Trust Account.....	3
Disbursement From Trust Before Deposited Funds Collected	9
Disbursement From Trust Before Trust Funds Deposited	8
Overdraft Due to Bank Charges Assessed Against Account	1
Non-trust Account Inadvertently Misidentified as Trust Account	5
Inadvertent Disbursement of Operating Obligation From Trust.....	1
Deposit of Trust Funds to Wrong Trust Account	6
Death, Disbarment or Resignation of Lawyer	0
Inquiries Carried Over Into Following Year	14

Members who served on the Disciplinary Commission for all or part of the year were Julia Blackwell Gelinias, Indianapolis, Chairperson; Hon. Grant W. Hawkins, Indianapolis, Vice-Chairperson and later, Chairperson; William F. Lawler, Jr., Anderson, Secretary and later, Vice-Chairperson; David L. Hale, Kokomo, Secretary; Diane L. Bender, Evansville; Janet Bidle, Remington; Thomas J. Brunner, Jr., South Bend; Robert L. Lewis, Gary; J. Mark Robinson, Charlestown; Anthony M. Zappia, South Bend; and Sally Franklin Zweig, Indianapolis. Mr. Hale's election as Secretary marks the first time in the Commission's history that a

non-attorney has served as an officer.

D. BOARD OF LAW EXAMINERS **Mary Place Godsey, Executive Director**

The Board of Law Examiners is responsible for the admission of attorneys to the Bar of the State of Indiana. During the period of July 1, 2001 to June 30, 2002, 816 applicants applied to sit for the bar examination. As a part of the application process, the Members of the Supreme Court Character and Fitness Committee conducted personal interviews with each applicant who applied to sit for the bar examination. There were 299 members of this Committee, which is made up of attorneys from each county in the state. Sixteen new members were appointed to the Character and Fitness Committee during this fiscal year. Twenty-one applicants were required to appear before the full Board regarding matters of character and fitness and eligibility to sit for the examination or to be admitted.

In April 2002, the Board of Law Examiners Executive Director and Board Members presented a report on character and fitness and conducted a discussion group at two Judicial District Meetings. Local members of the Supreme Court's Committee on Character and Fitness were invited to attend these District meetings, which were held in Muncie and South Bend.

In May 2002, Susan Eisenhauer and Terry Harrell appeared before the Board of Law Examiners to update the board regarding the Judges and Lawyers Assistance Program (JLAP). Ms. Harrell informed the board of the various types of assessments and/or evaluations available and the associated costs. Twenty-three individuals were referred to JLAP for evaluation or assessment and JLAP provided monitors for three admittees admitted under Admission and Discipline Rule 12, Section 6 (c). The license of one attorney was revoked for failure to comply with the provisions set forth for him under Admission and Discipline Rule 12, Section 6 (c).

The full Board held meetings on thirteen days. The Editing Committee met separately during two of these meetings. Bar examinations were given on eight days, including the extended time granted for special accommodations.

The Board wrote and graded 2 bar examinations administered to a total of 727 applicants. Eleven examinees received special accommodations on bar examinations. Accommodations given included providing additional time, separate test areas and individual monitors. In July 2001, 481 applicants were tested. Following that examination, no examinees petitioned the Board for review and none appealed to the Indiana

Supreme Court. In February 2002, 246 applicants were tested. Following that examination, three applicants petitioned the Board for review and no applicants appealed to the Indiana Supreme Court. Two applicants who were successful on the July 1999 examination did not meet the requirements for admission under Admission and Discipline Rule 17 and will have to sit for another examination to be eligible for admission.

Five hundred ninety-six attorneys were admitted to practice in the State of Indiana during the period of July 1, 2001 through June 30, 2002. Five hundred forty-five attorneys were admitted on examination and fifty-one attorneys were admitted on foreign license. Four of the attorneys admitted on examination and one of the attorneys admitted on foreign license were admitted under Admission and Discipline Rule 12, Section 6(c). Thirty-eight of the fifty-one attorneys admitted on foreign license were admitted in one other state prior to their admission in Indiana. Seven of the fifty-one attorneys were admitted in two other states prior to their admission in Indiana. Five of the fifty-one were admitted in three states prior to their admission in Indiana. One of the fifty-one was admitted to Canada and New York prior to his admission in Indiana.

The frequency of the admission from jurisdictions is:

California.....	1
Canada.....	1
Colorado	1
Connecticut	1
Florida	2
Iowa	2
Illinois.....	17
Kansas	1
Kentucky	3
Louisiana.....	1
Maine.....	1
Maryland.....	2
Massachusetts	2
Michigan	4
Minnesota	2
Missouri.....	1
New Hampshire.....	1
New Jersey	3
New York.....	4
Ohio	3
Oregon.....	1
Pennsylvania	7
Tennessee	1
Texas.....	1
Virginia	2
Washington	2
Washington DC	3

Wisconsin.....	2
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NOTE: An attorney admitted in multiple jurisdictions is counted in each jurisdiction he/she is admitted.

The Board Committee on Foreign License reviews each attorney application and investigative report for admission on foreign license. If approved, a Member of that Committee prior to admission personally interviews the applicant. If not approved, the applicant must appear before the full Board. Nine applicants were required to appear before the full Board regarding the matter of their character and fitness and their eligibility for admission on foreign license. Eleven applicants were considered by the full Board regarding approval for renewal of their provisional licenses. In December of 2001 the licenses of twenty-six foreign license admittees were expired.

On December 18, 2001, the Indiana State Board of Law Examiners became the first in the nation to host a live webcast of an admission ceremony. Utilizing the technology recently installed in the Indiana Supreme Court courtroom, the Board of Law Examiners webcast one of its mini-admission ceremonies live over the World Wide Web. An archived version was made available for later viewing and applicants were able to purchase CD-ROM copies of the webcast. Subsequently, the Board of Law Examiners has hosted webcasts of two other mini-admission ceremonies.

A list of applicants successful on the February 2002 Indiana Bar Examination was made available on the Board of Law Examiners Web site. This marked the first time that applicants could access their results on the Internet, without first receiving notification by mail. Statistical information on the February 2002 Bar Examination was also posted on the web. For the first time, statistical information made public included a breakdown of the pass rate of first-time examination takers as well as repeat takers.

One Thousand three hundred eighty three files were sent to be microfilmed under the document reduction plan. Those files microfilmed were of attorneys admitted in the years 1995 and 1996.

Two major Admission Ceremonies were held: one in November 2001 and one in June 2002. Five other Admission Ceremonies were held to accommodate those applicants who were unable to attend one of the main ceremonies. The June 7, 2002 Admission Ceremony marked the first time a Board of Law Examiners main Admission Ceremony was filmed. CD-ROM and VHS Copies of the filming were made available for purchase by the admittees and their families and friends. A copy of the film was also archived and

placed on the Board's web site for free viewing.

Approximately eight hundred wall certificates were signed using the Autopen for the July 2001 and February 2002 examinees. Fifty were signed for provisional licenses and forty-two were signed when permanent licenses were issued.

Under Admission and Discipline Rule 2.1, the Board is responsible for the certification of legal interns. The Deans of law schools advise the Board of those students who qualify academically, the date of their graduation, and the term of the internships. The supervising attorneys advise the Board regarding their willingness and ability to supervise the interns. If all requirements are met, the Board certifies the legal interns and notifies the Clerk of the Supreme Court, Court of Appeals and Tax Court by forwarding a copy of the supervising attorney/legal intern agreement of the certification and the terms of the legal internship. Three hundred six students and fifty-nine graduates were certified to serve as legal interns under Admission and Discipline Rule 2.1.

The State Board of Law Examiners is responsible for providing applications and approving the formation and renewal of professional corporations, limited liability companies, and limited liability partnerships for the legal profession. There were 578 active professional corporations, thirty-four limited liability companies, and ninety-nine limited liability partnerships. Fifty-one new professional corporations, twelve limited liability companies, and eighteen limited liability partnerships were formed. Six professional corporations, three limited liability companies, and two limited liability partnerships were dissolved or became inactive.

The following individuals served on the Board of Law Examiners as officers during the reporting period: Kathryn A. Brogan, President, Professor JoEllen Lind McGuigan, Vice-President, Alonzo Weems, Treasurer and The Honorable Stephen R. Heimann, Secretary. The terms of these Officers run from December 1, 2001 to December 1, 2002. Other members are Arend J. Abel, Sheila M. Corcoran, Cynthia S. Gillard, Calvin D. Hawkins, Leslie C. Shively and The Honorable Marianne L. Vorhees.

In December of 2001, Professor Patrick Baude retired after serving on the Board of Law Examiners for ten years. Professor Baude was recognized by the Indiana Supreme Court at the November 18, 2001 Admission Ceremony.

E. COMMISSION FOR CONTINUING LEGAL EDUCATION

Julia L. Orzeske, Executive Director

The Commission for Continuing Legal Education was

created in 1986. It consists of eleven Commissioners, appointed by the Supreme Court. The Commission's basic duties are to monitor the mandatory minimum continuing legal education requirements of each attorney admitted in Indiana, monitor education programs of mediators who serve Indiana Courts under the Indiana Alternative Dispute Resolution Rules, and monitor the Independent Certifying Organizations, which certify attorney specialists under Admission and Discipline Rule 30. The Commission employs a part-time Executive Director, two full-time secretaries, a part-time secretary and a full-time mediation services coordinator/office manager.

In fiscal year 2001-2002, the full Commission met a total of six times. The Commission reviewed 6,071 courses. Of these, 2036 were courses for which an application for continuing legal education ("CLE") accreditation was made, and 4035 were courses given by approved sponsors (where no application is required). 82 applications and 89 approved sponsor courses were denied accreditation. During fiscal 2001-2002, 13,784 attorneys reported CLE credits to the Commission. These attorneys reported a total of 199,248 hours of CLE credits, of which 28,176 were ethics credits.

In March 1997, an amended version of Admission and Discipline Rule 29 took effect. These amendments, among other things, imposed stricter requirements for attorneys who are suspended for CLE noncompliance to be reinstated. Additionally, these amendments allow attorneys to take a limited number of credits in non-legal subject ("NLS") areas in order to enhance their proficiency in the practice of law. During fiscal year 2001-2002, 143 NLS courses were reviewed: 56 were by approved sponsors and 87 were by non-approved sponsors. 142 courses were approved and one course (by a non-approved sponsor) was denied accreditation. Attorneys reported a total of 1836 NLS credits during this period.

A recent amendment to Admission and Discipline 29 made attorneys admitted by exam after December 31, 1998 responsible for reporting continuing legal education January 1 of the year following admission. These newly admitted attorneys must complete programs designated by the Commission as appropriate for new lawyers. This amendment reduced the grace period for newly-admitted attorneys from three years to one year. The Commission also adopted guidelines for a required 6-hour *Applied Professionalism Course for Newly Admitted Attorneys*. In addition to adopting standards for this required course, the Commission made grants available to providers to allow them to give the course

for little or no cost to newly admitted attorneys.

During fiscal 2001-2002, the Commission approved 5752 courses as appropriate for newly admitted attorneys. 1891 of these courses were approved as a result of an application. Approved sponsors presented 3861 courses. Eight applied professionalism courses were available during this period and 250 newly admitted attorneys attended these courses.

As of September, 2001, attorneys may now access their own CLE records via www.in.gov/judiciary/cle/ with the use of personal identification numbers. As of June, 2002, attorneys may search for approved courses by inputting the desired date, number of CLE or ethics hours; preferred geographic location and/or seminar topic at the same site.

The Commission was also active in the area of mediation. Because of substantial changes made by the Court in the Indiana Rules for Alternative Dispute Resolution, the Commission became responsible for keeping track of court-approved mediators in Indiana effective March 1, 1997. The Commission began a registry of approved court mediators. The first mediator registry was distributed to all registered mediators and Indiana judges in June 1997. In this initial registry, there were 235 listings for civil mediators and 110 listings for domestic relations mediators. As of June 30, 2002, there were over 600 listings for civil mediators and 400 listings for registered domestic relations mediators. The registry is now available at the Commission's Web Site .

In fiscal year 1999-2000, 21 people were trained in basic civil mediation and 34 people were trained in basic domestic relations mediation. 31 people took Commission-certified advanced civil mediation courses and 17 people reported attendance at advanced domestic relations mediation courses. (These figures do not include courses offered the last week of June, 2002).

The Commission continues to partner with the Indiana Judicial Center ADR Committee to assess the need for rule and policy changes in the area of mediation. In conjunction with the Judges' Committee, the Commission assisted in conducting a survey in the area of civil mediation in 1998 and in domestic relations in 1999. The results of these surveys show that court-connected mediation is a highly successful settlement tool and when it is successful, it greatly reduces the number of days between filing and the final resolution of a case.

The Commission also held a workshop focusing on mediation ethics issues and domestic relations mediation June 27 and June 28 at the University Place Conference Center. Legislators, judges, ADR neutrals, trainers, academicians, attorneys and therapists met for

two days and crystallized ethics issues that have emerged in the general use of mediation and dealt with all types of issues in the use of domestic relations ADR in Indiana. A result of this ADR workshop will be specific recommendations to the Supreme Court on rule, legislative and policy changes.

In the area of attorney specialization, the Commission appointed a panel of experts to review testing procedures used by applicants for accreditation as Independent Certifying Organization. This panel consisted of law school professors and practitioners. Based on recommendations from this panel, the Commission accredited the Family Law Section of the Indiana State Bar Association. The accreditation period is for a period of five years.

The following individuals served on the Indiana Commission for Continuing Legal Education during fiscal year 2001-2002: Patricia K. Woodring, Honorable Lori K. Morgan, Ronald P. Kuker, David A. Lewis, Professor Terry Dworkin, Jeffrey Jay Newell, Professor Alysa C. Rollock, Norman G. Tabler, Jeanine Gozdecki, Honorable Melissa Mattingly, Robert Ewbank and Robert Houston.

F. INDIANA JUDICIAL NOMINATING COMMISSION COMMISSION ON JUDICIAL QUALIFICATIONS

Meg Babcock, Counsel

The Indiana Judicial Nominating Commission and the Indiana Commission on Judicial Qualifications is a seven-member commission established by Article VII, Section 9, of the Constitution of Indiana. It performs two distinct functions within the judiciary. The Nominating Commission solicits and interviews candidates to fill vacancies on the Supreme Court, the Court of Appeals, and the Tax Court. The Nominating Commission selects three candidates for each vacancy, and the Governor appoints one of the nominees to fill the vacancy. (There were no vacancies in fiscal year 2001-2002.)

The Nominating Commission also appoints the Chief Justice of Indiana from among the five Supreme Court Justices. On December 11, 2001, the Commission selected the Honorable Randall T. Shepard to serve a fourth five-year term as Chief Justice, beginning March 4, 2002.

The Chief Justice is the *ex officio* Chairman of the Nominating Commission and the Qualifications Commission. The Commission is comprised additionally of three lawyers, elected by other lawyers in their districts, and three non-lawyers who are appointed by the Governor, all to three-year terms. Commission members serving in 2001-2002 were Theodore Lockyear, Esq., Evansville; Linda K. Henderson,

Bedford; Karl Mulvaney, Esq., Indianapolis; John Bartlett, Indianapolis; Terrance Smith, Esq., Highland; and Ann Borne, Fort Wayne. Mr. Mulvaney and Ms. Henderson were succeeded in 2002 by Donald Ward, Esq., Indianapolis, and by Judy Johns Jackson, Columbus. The Commission met on eight occasions in 2001-2002.

The Nominating Commission also annually certifies former judges as Senior Judges to help qualifying Indiana courts with their caseloads. In fiscal year 2001-2002, the Commission recertified eighty-seven Senior Judges, and certified two new Senior Judges. The Nominating Commission declined to certify one applicant for senior judge status.

The Qualifications Commission investigates allegations of ethical misconduct against Indiana judges, judicial officers, and candidates for judicial office, and, when appropriate, privately cautions judges who have violated the Code of Judicial Conduct; in the most serious cases, the Commission prosecutes formal disciplinary charges in public proceedings. These charges ultimately are resolved by the Supreme Court. Additionally, the Commission and its staff provide judges and others with advice about their ethical obligations.

In fiscal year 2001-2002, the Judicial Qualifications Commission considered two hundred forty-one complaints or allegations of violations of the Code of Judicial Conduct. The Commission investigated forty-five complaints, requiring the judges or candidates to respond to the allegations. Of those, the Commission dismissed sixteen complaints after concluding no misconduct occurred. In sixteen other cases, the Commission issued private cautions. The most commonly issued cautions related to *ex parte* contacts (4) and injudicious demeanor (4), followed by cautions about the appearance of impropriety (3), cautions about delays (2), a caution about unfair treatment of a lawyer (1), a caution about campaign misconduct (1), and a caution about procedural error (1). Nine complaints were resolved by private cautions without the necessity of investigations. Of those, the cautions were about delays (3), procedural errors (3), injudicious demeanor (2), and a failure to disqualify (1). One hundred eighty-five complaints summarily were dismissed as unfounded, as raising only issues for appeal, or otherwise as outside the Commission's purview. One complaint was dismissed pursuant to a settlement agreement with the judge in another case. Seven formal investigations were pending at the end of the fiscal year.

Two cases charged in the prior year were resolved in 2001-2002. In *In re Funke*, 757 N.E.2d 1013 (Ind. 2001), the judge and the Commission agreed to a fifteen-day

suspension from office without pay based on the judge's failure to disqualify from a series of protective order cases in which relatives had interests, his *sua sponte* actions on behalf of litigants in those cases, and his practice of allowing the clerk's office to use his signature stamp on protective orders, which led to the appearance that he issued a protective order on behalf of his father. In *In re Spencer*, 759 N.E.2d 1064 (Ind. 2001), the judge and the Commission agreed to a Public Reprimand in light of the judge's inappropriate campaign promises.

One Commission case, *In re Kern*, 47S00-0105-JD-226, which was charged in the prior year, proceeded to an evidentiary hearing in February, 2002. In April, the Masters, the Honorable Diana LaViolette, Presiding Master, Putnam Circuit Court, the Honorable Phillip I. Adler, Vigo Superior Court 2, and the Honorable K. Mark Loyd, Johnson Circuit Court, issued their report to the Supreme Court and recommended a suspension from office of up to fifteen days. The Commission then filed a recommendation that the Court remove the judge from office and, in light of that recommendation, the Court suspended the judge with pay pending the Court's final decision.

The Commission filed formal charges against three judges in fiscal year 2001-2002. In *In re Morton*, 25S00-0102-JD-435, the Court approved a settlement agreement to a Public Reprimand based upon the judge's *ex parte* contact, his failure to disclose the contact, and his subsequent failure to disqualify.

In *In re Danikolas*, 45S00-0205-JD-281, the Commission filed charges alleging an improper *ex parte* contact, and in *In re Kern*, 47S00-0206-JD-333, the Commission filed a five-count charge alleging the judge misled the County in seeking reimbursement of his attorney fees in the prior disciplinary case, misled the County and the Commission in justifying his request, submitted claims on behalf of employees for expenses already reimbursed by the Qualifications Commission, made a false statement to the Commission during its investigation, and continued to preside over cases, without disclosure, which cases involved creditors who filed claims in the judge's bankruptcy proceeding. At the end of the fiscal year, these cases were pending the filing of responsive pleadings, after which the Court will appoint a panel of three Masters in each case to preside over evidentiary hearings.

Finally, in fiscal year 2001-2002, Commission counsel responded to over six hundred requests for guidance about the ethics rules, and participated in seminars and panel discussions about the rules. The Commission issued one published opinion, Advisory Opinion #1-03,

concerning political endorsements by judicial officers.

G. INDIANA JUDICIAL CONFERENCE INDIANA JUDICIAL CENTER

Jane Seigel, Executive Director

The Judicial Conference of Indiana, through its agency the Indiana Judicial Center, provides a variety of services for judges, court personnel, and the public. The Conference provides continuing judicial education for Indiana's judicial officers, trains probation officers, administers the interstate transfer compact for probationers, administers the court alcohol and drug services program, and maintains a roster of juvenile residential placement facilities. Beginning July 1, 2002, the Judicial Conference will also provide oversight of Indiana's Drug Courts. Judicial Conference committees formulate policy on judicial administration, juvenile justice, probation and other topics. The committees also draft benchbooks, guidelines, and other materials. In cooperation with the Indiana Judges Association, they publish civil and criminal pattern jury instructions.

In fiscal year 2001-02, the Judicial Center presented twenty days and one hundred thirty seven hours of continuing judicial education instruction. Total attendance at these programs was 1,563. The educational conferences conducted in 2001-02 for judicial officers included:

- 2 day Faculty Development Workshop in July;
- 3 day Annual Meeting of the Judicial Conference of Indiana in September;
- 2 day City and Town Court Judges Annual Conference in October;
- 2 day Domestic Relations Conference in November;
- 1 day Winter Conference in December;
- 3 day Spring Judicial College Program in April;
- 5 day Graduate Program for Indiana Judges in June; and
- 2 day Juvenile Court Judges Annual Conference in June.

The Judicial Conference of Indiana, comprised of all full-time judges, both trial and appellate, magistrates, and senior judges, held its 2001 Annual Meeting September 12-14 at the Westin Hotel in Indianapolis; with slight reworking of some sessions, the conference was held as scheduled in spite of the tragic events of Tuesday, September 11. While the main focus of the Annual Meeting was on continuing judicial education with sessions on such topics as: judicial family ethics, post-conviction relief procedures, search and seizure

case law update, psychiatric issues in court, on-line legal research training and understanding trial advocacy from the perspective of the bench, just to name a few, the conference also offered an unequaled opportunity to meet informally and exchange experiences with judicial officers from around the state. The Conference joined with the Court of Appeals in a gala celebration of the 100th Anniversary of the Indiana Court of Appeals.

In November, the Judicial Center unveiled a new domestic relations conference that will be held every other year. The inaugural program featured a two-day workshop on the use of mediation in domestic relations cases. The workshop offered 11 hours of continuing judicial education to thirty-three judicial officers on such topics as: family mediation – what why, who and how; ADR case law update; starting the mediation process; psychological issues in court; and interaction and conflict management skills, among others.

The Center's Winter Conference for Judicial Officers saw a major format change in 2001. In years past, the Winter program was spread over two days and featured Judicial Conference committee meetings, the annual business luncheon of the Indiana Judges Association, and concurrent repeat education sessions for attendees. In 2001, the conference format was changed to a one-day program offering more in-depth education on a select topic. The featured topic for the newly revamped Winter Program focused on access to justice for the self-represented and indigent litigant and was attended by 235 judicial officers eager to discuss the role of the judicial officer with the self-represented litigant in court, implications for court staff in dealing with *pro se* litigants and best practices pro bono programs.

In its third year, the Spring Judicial College program was met, once again, with great enthusiasm and interest. The objective of this three-day program is to offer expanded courses on a wide variety of topics for smaller classes of judicial officers in order to enhance group participation. Sixteen stand-alone courses ranging from 2.5 to 6 hours in length were offered during the 3-day Judicial College. Courses included: Criminal Sentencing Decisions; Literature and the Profession; the Hearsay Rule; Hearsay Rule and Its Many Exceptions; On-line Legal Research Training; To Intervene or Not to Intervene: Substance Abuse and Beyond; The Capital Case – A substantive and procedural look at the death penalty case; Courtroom Technology in the New Millennium; Faculty Development and Conducting Evaluation/Assessment of Judicial Education Programs; the Myers-Briggs Type Indicator and Implications for Decision Making and Team Building; Bankruptcy and the Impact on Family Law; Understanding the

Fundamentals of Trial Advocacy Through the Eyes of the Judge; Issues in *Ex Parte* Contacts and Orders; and Safety and Security for the Judicial Officer.

Fifteen days of instruction were presented by the Center for probation officers, with a total attendance of 1,470 officers. The Center handled the transfer of 1,354 probationers into the state and 2,053 probationers out of the state, and also processed 9,850 written inquiries, replies, and reports concerning active interstate probation compact cases (This year's figure does not include routine requests for progress reports, requests for financial status and reporting instructions). 137 run-arounds were also processed. In 2001-2002, the Center administered the probation officers' certification examination to 189 applicants.

In 2001 the Indiana General Assembly appropriated \$ 1 million to the Indiana Judicial Center for each of the next two years to provide limited state aid for probation. This presented a significant opportunity to demonstrate the value of probation in Indiana; unfortunately, due to the budget crisis facing the State in fiscal year 2001-2002, the money was never allotted.

The safety training on anthrax used for probation officers was expanded to include judicial officers and other courthouse employees. At the November Regional Probation Officer meetings, personnel from over 40 courts participated in anthrax training. The Court Management Committee completed a statewide study on court security, and the committee's findings were presented to the Board of Directors of the Judicial Conference in September 2001. The Board asked the committee to have a draft of minimum courthouse security standards completed by the December 2001 Board meeting. The Court Management Committee met numerous times and worked along with outside interested parties to draft these standards, and the Board considered a final version on March 8, 2002. With a concern about funding and enforcement issues, the Board unanimously voted to send the standards to the Supreme Court with a request that they be adopted as Rules.

The Center continued to provide traditional research services to the judges in 2001-2002. *Case Clips* continued to be distributed by mail, but will soon be sent out on the Internet and is also available on the Court's web page, as are many of the benchbooks and other documents. The Center also continued to monitor the activities of the Indiana General Assembly, and published 9 weekly e-mail updates from January to March reviewing legislative changes to bills of interest to the judiciary and a memorandum to judicial officers and chief probation officers of the "Top Public Laws for 2002"

passed by the Legislature.

In 1996, the General Assembly passed a law requiring that the Indiana Judicial Center maintain a roster of in-state facilities that provide residential services to children in need of services and delinquent children. The roster continues to be available to courts with juvenile jurisdiction and chief probation officers. Updated information on over 120 facilities is provided on a monthly basis. The roster is available on the Internet.

The Indiana Judicial Center continued its administration of the Court Alcohol and Drug Program in 2001-2002 and increased its membership to fifty-six programs. Working with the Judicial Conference's CAD-PAC (Court Alcohol and Drug Program Advisory Committee) and its subcommittees, the Indiana Judicial Center and the Judicial Conference again revised Judicial Conference Rules governing these court programs. The Certification Program finished the first cycle of certification reviews, with 42 programs fully certified, 7 programs having temporary certification for 1 year, 4 initial reviews for new programs, and the remaining 3 programs restructuring under their original operating certificate from July 1999. CADPAC and the Center also continued the scholarship and grant programs for eligible court programs. In March, the Center hosted the fourth annual meeting of court-administered alcohol and drug programs, with 286 judges, program directors and court staff attending the meeting. In addition, a one-day Director Development training was created and implemented for new program directors and the bi-annual staff orientation was extended to three days. Legislation was passed adding an immunity clause for court program staff and specifying that an additional fee can be charged for drug screening, as well as several other minor changes to reflect the current practices of the programs. The ad-hoc committee for Drug Courts sought and received legislation giving the Judicial Conference oversight of Drug Courts as well, and allowed Drug Courts to charge a fee of \$500. The two projects funded by the grants awarded last year that measure the overall court alcohol and drug program effectiveness and the development of an advanced substance abuse education program for repeat and serious substance abuse offenders have continued and will be completed within the next six months. The bi-annual newsletter is continuing to be distributed.

An update of Indiana's Weighted Caseload system is nearing completion by the Judicial Administration Committee with cooperation by the State Court Administrator's Office. The Judicial Center received a \$30,000 grant from the State Justice Institute for its

use in gathering the information needed to keep the system up to date. The Domestic Relations Committee is taking public comment and working on recommending changes to Indiana's Child Support Guidelines. The Protective Order Committee has promulgated forms and procedures to implement Indiana's completely revised protective order statutes. The Citizens Commission for the Future of Indiana Court, Juries for the 21st Century Committee completed its task by proposing rules to the Supreme Court regarding jury selection and management. The Judicial Conference of Indiana formed a Juries Committee after the adoption of the new Jury Rules to prepare a standard presentation for juror orientation as well as a juror exit survey.

H. INDIANA STATE PUBLIC DEFENDER'S OFFICE **Susan Carpenter, Public Defender**

The State Public Defender's Office represents indigent Department of Correction inmates in state post-conviction relief actions under Ind. Post-Conviction Rule 1. In capital cases, representation begins within thirty days of the Indiana Supreme Court's decision on direct appeal. In all other cases, inmates must file a pro se petition and cases are investigated and litigated, if meritorious, on a first-come, first-served basis. The Office also provides representation in direct appeals in criminal cases at county expense on appointment by trial courts. The Public Defender is appointed by the Supreme Court of Indiana.

In capital post-conviction cases during fiscal year 2001-2002, deputies filed one post-conviction relief petition and briefed one case on appeal by the State from the grant of a new trial; conflict counsel briefed and argued one denial of relief in a successive petition. The Indiana Supreme Court issued opinions affirming the denial of relief in four cases. The Court received one new direct appeal from a capital sentence imposed in fiscal year 2001-2002 in addition to hearing two oral arguments and issuing two decisions, one affirming re-imposition of the capital sentence after a new penalty phase and one reversing a trial court order and remanding for a new capital penalty phase.

In the past fiscal period, the Public Defender's Office continued its efforts to reduce delay in non-capital case review and litigation. The decline in pending capital cases permitted assignment of additional deputies to non-capital cases. As a result the Office set a new record in cases formally found to be without merit (202 cases where State resources were not expended in hearings and appeals as case investigation established the lack of arguable merit). Since July, 1991, 1,364 cases have been found to be without merit formally, and in an additional 930 cases clients have agreed the

case lacked merit and withdrawn the petition or waived office representation. The number of pending unreviewed post-trial and appeal cases remained steady, having declined from 505 in January 1993 to 330 in January 1999, but reaching 496 in April 2002 due to a record number of pro se filings in fiscal year 2000-2001 of 712 petitions. The number of pro se filings declined slightly in 2001-2002 to around 600 but remains high in comparison to previous years (570 in fiscal year 1999-2000, 460 in calendar year 1999, 334 in calendar year 1998).

I. INDIANA SUPREME COURT LAW LIBRARY **Rebecca Bethel, Librarian**

The Supreme Court Law Library originated with an 1867 Act of the Indiana legislature which gave custody of the law books then in the State Library to the Supreme Court. The primary mission of the Supreme Court Law Library is to support the research needs of the judges, staff and agencies of the Supreme Court and the Court of Appeals. The Supreme Court Law Library also serves as the primary law library for many state agencies, the Office of the Governor, the legislature, members of the private bar, and the citizens of Indiana.

The Law Library contains a comprehensive collection of legal materials which must be kept up to date. During the past fiscal year, the Law Library staff received and processed approximately 1300 volumes as additions to or replacements for volumes already in the library collection. Countless legal periodicals, supplements, and pocket parts also were received.

During the past fiscal year the Law Library staff responded to approximately thirty telephone or written requests from attorneys, other libraries, and members of the public from across the country for photocopy and/or fax copies of items in the library collection. A small fee was charged for each request filled. The Law Library also provides inter-library loan services through OCLC (Online Computer Library Center).

The Law Library is a repository for publications produced under grants from the State Justice Institute. Items received are listed in the Indiana Court Times, and are made available to Judges throughout the state.

J. INDIANA JUDGES AND LAWYERS ASSISTANCE PROGRAM **Susan B. Eisenhauer, Executive Director**

The Indiana Judges and Lawyers Assistance Program (JLAP) was created in October 1997 when the Indiana Supreme Court adopted Rule 31 of the Rules for Admission to the Bar and the Discipline of Attorneys, Indiana Rules of Court. JLAP provides assistance to

judges, lawyers and law students who may experience physical or mental disabilities that result from disease, chemical dependency, mental health problems or age and that could impair their ability to practice in a competent and professional manner. All interactions and communications with JLAP are confidential under A&D Rule 31§ 9 and Rules of Professional Responsibility 8.3 (c). No information is ever released without the signed consent of the party involved.

The Supreme Court appoints a committee composed of five judges, nine attorneys and one law student — the Judges and Lawyers Assistance Committee – to oversee JLAP. The 2001-2002 Committee included: JLAP Chair Honorable Sally H. Gray, Greencastle; JLAP Vice-Chair Edward B. Hopper, II, Indianapolis; JLAP Treasurer Timothy R. Dodd, Evansville; JLAP Secretary/Law Student Representative Brita Martin, Indianapolis; Honorable John T. Sharpnack, Indianapolis; Honorable Mary Lee Comer, Danville; Honorable Anthony C. Meyer, Aurora; Honorable Jane Woodward Miller, South Bend; Vicki Battle-Cashwell, Gary; Thomas A. Fara, LaPorte; David F. Hurley, Indianapolis; J. Frank Kimbrough, Fort Wayne; James L. Lowry, Danville; Gaylon J. Nettles, Indianapolis; and James Stanton, Hobart.

One outstanding achievement of fiscal year 2001-2002 was JLAP's first Volunteer Orientation and Training held March 8-9, 2002. Approximately 50 judges, lawyers and law students from around the state convened in Indianapolis to learn more about JLAP, and one another, in a program that was CLE-approved. Highlights of the two-day event included the presentation of the first "Friends of JLAP" award to Marge Bannon Miller and H. Dudley Miller in recognition of their enduring commitment to JLAP, and a moving lunch speech by a recovering attorney who was JLAP's first case when it opened as a Supreme Court agency.

Fiscal year 2001-2002 was a year that saw the solidification of JLAP's relationships with the Board of Law Examiners and the Disciplinary Commission. Processes and procedures were honed, and the caseload has increased as we work together on the issues of addiction and mental health as they intersect with the bar admissions and disciplinary processes. The Board of Law Examiners cases, in particular, provide a way to interact with lawyers at the gateway to the profession who might have a problem and thereby act as a preventative element as well as assisting the Board of Law Examiners in the work it needs to do to determine an applicant's "character" and fitness to practice law.

JLAP continues to run a growing monthly Mental

Health Support Group in Indianapolis. The group has had such good reception they are making themselves available around the state to help other areas start similar meetings.

Early years of a program are about building a solid foundation, and in fiscal year 2001-2002 JLAP continued to work on ground-laying activities. Submitted at the end of FY 2000-2001, in December 2001 the Supreme Court approved the revision of Admission and Discipline Rule 31 and JLAP's Program Guidelines to be effective April 1, 2002. Both items were the result of over a year's work on the part of the JLAP Committee's Rule 32 Subcommittee and the Policies and Procedures Subcommittee. The major revision of Rule 31 strengthened the confidentiality provisions.

JLAP continues to receive referrals in three ways – self-referral, third party referral and formal referral from a disciplinary or licensing body. In January 2001 JLAP began to compile statistics from our process of monthly case review and data analysis. For FY 2001- 2002 JLAP logged 123 Helpline calls. Calls ranged from a simple request for information to JLAP coordination of such activities as an immediate intervention (note: call numbers are strictly "calls for help" and do not include calls after a case file is opened, or routine calls received regarding JLAP's daily operations, outreach and education efforts). On June 30, 2002 JLAP had 83 open cases. Open cases include 43 substance or other addiction-related, 7 dual diagnosis cases (alcohol and mental health), 25 mental health-related and 8 physical or age-related cases. For the first time in JLAP's history, several clients entered voluntary Monitoring Agreements in FY 2001-2002, with an eye toward their upcoming disciplinary action or reinstatement cases. Four formalized Monitoring Agreements exist with the Disciplinary Commission, the Commission on Judicial Qualification, and the State Board of Law Examiners combined, with one reaching successful completion in November 2001.

A bi-monthly meeting continues with the Directors of the State Board of Law Examiners, the Disciplinary Commission, the Commission on Judicial Qualifications, the Commission on Continuing Legal Education along with a staff attorney from the Judicial Center to work on areas of overlap and develop protocols that best serve each agency's needs while maintaining JLAP's commitment to our client confidentiality. This also provides an on-going forum for resolution of issues as they occur. One of JLAP's goals is to foster early and confidential contact and these agencies are critical referral sources for JLAP, preferable before an issue reaches the stages where disciplinary action is

required.

Education and outreach are an integral part of the work done at JLAP and are key in JLAP's effort to reach those in need early, before disciplinary agencies are involved. In JLAP's on-going efforts to get the Bench and Bar discussing these difficult issues, during FY 2001-2002 programs were presented for the Boone County Bar Association, Johnson County Bar Association, City & Town Judges Orientation, Indiana State Bar Association Fall Meeting, Indiana Lawyer's "Women in the Law" Conference, Indiana Trial Lawyers Association (ITLA) Annual Institute, Monroe County Women Attorneys, Sherman Minton Inns of Court in Jeffersonville, Allen County Bar Association, Judicial College, Judicial Conference Fall Meeting, Allen County Judicial Officers, Indianapolis Bar Association, Marion County Public Defender Agency and the Putnam County Bar Association joined by surrounding counties. JLAP continues to contribute a regular column for the ITLA's Quarterly journal – The Verdict and has a long-term goal of increasing article production.

Law students are an important audience for JLAP, for both education and assistance. JLAP presents to Marion County Judge Gary Miller's Professional Responsibility class each semester in Indianapolis, and JLAP is using this experience to develop the model to take out to the other law schools. JLAP has brought

this concept to Bloomington, and the Law School Subcommittee is expanding in order to reach all law schools in FY2002-2003. In addition to presentations during class in Indianapolis, JLAP presented an evening panel in the new moot courtroom — LAST CALL: Impairments, Disabilities and Fitness for the Bar — which included Don Lundberg of the Disciplinary Commission and disciplinary defense counsel Kevin McGoff, in addition to JLAP staff.

Finally, JLAP staff continues to be involved in the national network of Lawyers Assistance Programs (LAPs) coordinated by the ABA's Commission on Lawyers Assistance Programs (CoLAP), a valuable source of information and assistance. JLAP staff once again attended the CoLAP Annual Workshop, this year in Albuquerque, New Mexico shortly after September 11. Two representatives from New York attended that JLAP Volunteer Orientation & Training in Indianapolis in March. In August 2001 JLAP Executive Director Susan Eisenhower served on a CoLAP Program Review team for the state of Nevada. JLAP Clinical Director Terry Harrell has taken the lead at the national level regarding mental health issues, specifically the use of mental health interventions. In addition, she has worked with Jan Dickson of the Judicial Family Institute coordinating information for their national publication. ■

APPENDIX A

CASE STATISTICS • FISCAL 2001-2002 • JULY 1, 2001 THROUGH JUNE 30, 2002

INDIANA SUPREME COURT

FISCAL 2001-2002 CASE INVENTORIES & DISPOSITION SUMMARY

	Cases Pending as of 7/1/01	Cases Transmitted in Fiscal 2001-2002	Cases Disposed of in Fiscal 2001-2002	Cases Pending as of 6/30/02
Civil Direct Appeals	1	1	1	1
Civil Transfers	117	292	322	87
Tax Court Petitions For Review	8	10	11	6
Criminal Direct Non-Capital	79	32	86	25
Capital Cases	5	7	7	5
Criminal Transfers	49	445	461	33
Original Actions	1	70	71	0
Certified Questions	1	0	1	0
Mandate Of Funds	0	1	1	0
Attorney Discipline	103	97	106	94
Board of Law Examiners	0	2	2	0
Judicial Discipline	3	3	2	4
Rehearings	8	29	31	6
Other	1	0	1	0
TOTAL	376	989	1104	261

TOTAL DISPOSITIONS: 1,104

Criminal	554	50%
Civil, Tax and Other	338	31%
Original Action	71	6%
Law Practice	106	10%
Review Board of Law Examiners	2	%
Judicial Discipline	2	0%
Rehearings	31	3%

MAJORITY OPINIONS AND PUBLISHED ORDERS : 291

Criminal	129	44%
Civil, Tax and Other	64	22%
Original Action	1	0%
Law Practice	95	33%
Judicial Discipline	2	0%

Opinions and Published Orders were prepared in 26% of the cases handled by the Court.

	Direct Appeal		Transfer Petitions		Original Action	Attorney Discipline	Judicial Discipline	Other	TOTAL
	Crim.	Civil	Crim.	Civil/Tax					
SHEPARD, C.J.	18	0	12	20	0	0	0	0	50
DICKSON, J.	21	0	2	7	0	0	0	0	30
SULLIVAN, J.	19	0	10	8	0	0	0	0	37
BOEHM, J.	17	0	5	17	0	0	0	1 ¹	40
RUCKER, J.	16	1	3	5	0	0	0	1 ²	26
BY THE COURT	1	0	5	3	1	95	2	1 ³	108
TOTAL	92	1	37	60	1	95	2	3	291

¹Special proceeding under Admission and Discipline Rule 25.

²Certified question from Federal District Court.

³Special proceeding under Trial Rule 60.5.

NON-MAJORITY APPELLATE OPINIONS

	Concurring Opinions		Dissenting Opinions		Concur in Part/Dissent In Part		TOTAL
	Crim.	Civil	Crim.	Civil	Crim	Civil	
SHEPARD, C.J.	0	2	1	2	0	0	5
DICKSON, J.	0	0	1	4	1	1	7
SULLIVAN, J.	1	1	4	1	1	0	8
BOEHM, J.	5	3	2	3	2	0	15
RUCKER, J.	0	0	1	1	3	0	5
TOTAL	6	6	9	11	7	1	40

CERTIFIED QUESTIONS

	Pending 7/1/02	Received	Accepted	Rejected	Opinions	Pending 6/30/02
Federal District Court	1	0	0	0	1	0
Federal Appellate Court	0	0	0	0	0	0
TOTAL	1	0	0	0	1	0

REHEARING DISPOSITIONS

	Opinion	Order	
SHEPARD, C.J.	1	7	
DICKSON, J.	0	6	
SULLIVAN, J.	0	5	
BOEHM, J.	1	9	
RUCKER, J.	0	2	
BY THE COURT	0	0	
TOTALS	2	29	Total: 31

CAPITAL CASES

	OPINIONS					ORDERS	
	Direct Appeals	PCR	Interlocutory Appeals	Successive PCR	On Rehearing	Successive PCR	Rehearing
SHEPARD, C.J.	0	1	0	0	0	0	1
DICKSON, J.	0	2	0	0	0	0	2
SULLIVAN, J.	0	0	0	0	0	0	1
BOEHM, J.	0	1	0	0	0	0	1
RUCKER, J.	0	1	0	0	0	0	1
BY THE COURT	0	0	1	0	0	1	0
TOTAL	0	5	1	0	0	1	6

PETITIONS FOR EXTENSION OF TIME & MISCELLANEOUS ORDERS

Petitions for Extension of time PROCESSED	96
Other Miscellaneous Appellate Orders	406
Special Judge Requests	122
Other Miscellaneous Disciplinary Orders	27
TOTALS.....	651

DISCIPLINARY, CONTEMPT AND RELATED MATTERS

DISCIPLINARY CASES PENDING BEFORE HEARING OFFICER OR COURT ON JULY 1, 2001

Before the Court for Hearing Officer Appointment	5
Pending Before Hearing Officer	61
Briefing Stage	11
Briefed/Resignation Tendered/Conditional Agreement Tendered	23
No Verified Complaint Filed/Suspended Upon Notice of Conviction	3
Administrative Admonitions Tendered	0
TOTAL CASES PENDING 7/1/01	103

NEW DISCIPLINARY MATTERS RECEIVED DURING FISCAL 2001-2002

Verified Complaints for Disciplinary Action/Notices of Conviction/Petitions to Determine Disability/Notices of Foreign Discipline Filed	65
Administrative Admonitions Tendered	16
Petitions to Show Cause	16
TOTAL	97

DISCIPLINARY CASES DISPOSED IN FISCAL YEAR 2001-2002

By Per Curiam Opinion	16
By Anonymous Per Curiam Opinions Imposing Private Reprimand	0
By Order Imposing Private Reprimand	2
By Order Imposing Public Reprimand	17
By Order Accepting Resignation	9
By Order of Dismissal	7
By Order – Judgment for Respondent	5
By Order Imposing Reciprocal Sanction	4
By Order – Denying Suspension	0
By Administrative Admonition	16
By Order of Suspension	22
By Order of Suspension Due to Disability	3
By Order Finding No Disability	0
Rejection of Administrative Admonition	0
By Order - Compliance to Show Cause	5
TOTAL	106

DISCIPLINARY CASES PENDING 6/30/02

Before Court for Hearing Officer Appointment	4
Pending Before a Hearing Officer	52
Briefing Stage	7
Administrative Admonitions	0
Before Court/Briefed/Conditional Agreement Tendered/Resignations Tendered	28
No Verified Complaint Filed	3
TOTAL PENDING AS OF 6/30/02	94

OTHER DISCIPLINARY DISPOSITIONS

Orders Denying Reinstatement	2
Orders Granting Reinstatement	0
Orders of Temporary Suspension	3
Orders on Petitions to Reconsider/Modify/Stay	1
Orders Postponing Effective Date of Suspension	1
Orders Permitting Withdrawal of Petition for Reinstatement	0
Orders Dismissing Petition for Reinstatement	3
Orders of Suspension for Show Cause	5
Orders Releasing from Probation	1
TOTAL	16

ANALYSIS OF SUPREME COURT DISPOSITIONS

CRIMINAL CASES

Opinions on direct appeals.....	92
Direct appeal disposed of by order	0
Opinions on petitions to transfer	37
Opinions on rehearing	1
Orders on rehearing	24
Petitions to transfer dismissed, denied on appeal remanded by unpublished order	423
Denial of request for subsequent PCR	1
Other Opinions.....	0
TOTAL.....	578

CIVIL CASES

Opinions and orders on certified questions	1
Opinions on direct appeals.....	1
Opinions on rehearing	1
Orders on rehearing	5
Opinions on mandate of funds.....	1
Opinions on Tax Court petitions for review	2
Dispositive orders on Tax Court petitions for review	10
Opinions on petitions to transfer	58
Petitions to transfer denied, dismissed or appeal remanded by unpublished order	264
Grant and dismiss or remand by order.....	2
Other opinions	0
Other dispositions, civil	0
TOTAL.....	345

ORIGINAL ACTIONS

Opinions issued	1
Disposed of without opinion	70
TOTAL.....	71

ATTORNEY DISCIPLINARY MATTERS

Opinions and published orders.....	95
Other dispositions.....	11
TOTAL.....	106

PETITIONS FOR REVIEW OF STATE BOARD OF LAW EXAMINERS MATTERS

Petitions for review.....	2
TOTAL.....	2

JUDICIAL DISCIPLINE MATTERS

Per curiam opinions issued	2
TOTAL.....	2

TOTAL DISPOSITIONS **1104**

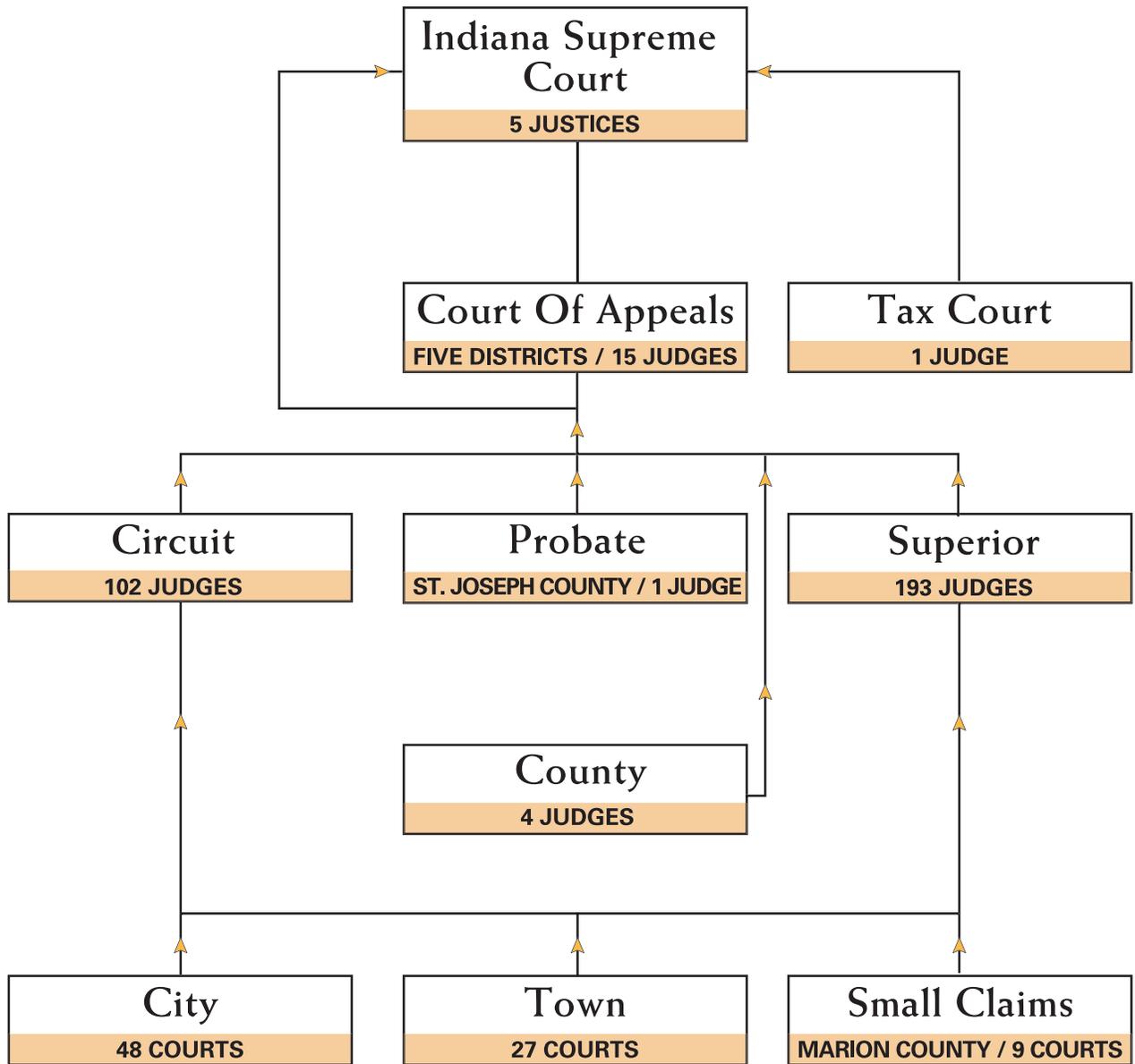
CASES PENDING AS OF JUNE 30, 2002

	Pending Cases as of June 30, 2001 <small>(does not include Pets. for Rehearing)</small>	Pending Petitions for Rehearing <small>as of June 30, 2002</small>
SHEPARD, C.J.	14	0
DICKSON, J.	14	0
SULLIVAN, J.	23	2
BOEHM, J.	18	2
RUCKER, J.	23	1
TO THE COURT	0	1
UNASSIGNED CIVIL CASES	51	
UNASSIGNED TAX COURT PETITIONS FOR REVIEW	5	
UNASSIGNED CRIMINAL TRANSFER CASES	8	
UNASSIGNED CRIMINAL DIRECT APPEALS	1	
UNASSIGNED CIVIL DIRECT APPEALS	0	
UNASSIGNED ORIGINAL ACTIONS	0	
UNASSIGNED CERTIFIED QUESTION	0	
UNASSIGNED OTHER	0	
PENDING BAR EXAMINATION REVIEWS	0	
ATTORNEY DISCIPLINE	94	
JUDICIAL DISCIPLINE	4	
TOTAL	255	6

APPENDIX B

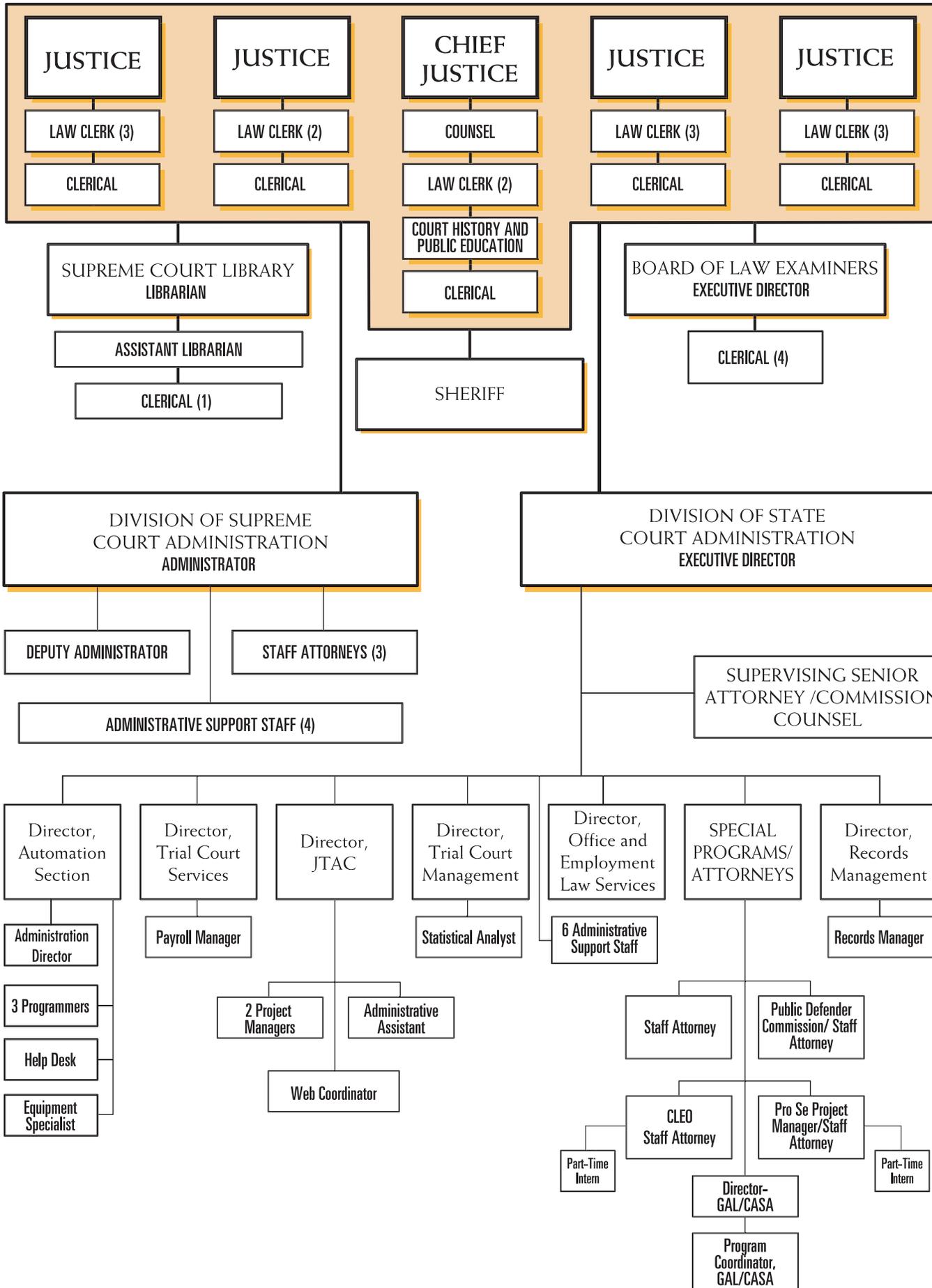
ORGANIZATIONAL CHARTS FISCAL 2001-2002 • JULY 1, 2001 THROUGH JUNE 30, 2002

2002 INDIANA JUDICIAL SYSTEM



SUPREME COURT ORGANIZATIONAL CHART FOR JUSTICES AND EMPLOYEES

THE COURT





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